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Congressional Record

PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

SENATE—*Thursday, October 3, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

*And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth. * * * lo, I am with you always, even unto the end of the world.*—Matthew 28:18, 20.

Gracious Lord, thank You for the assurance of Your constant presence, Your care and concern for us, Your love which is unending. You know infinitely better than the Senate what the future holds. You know the intense pressure under which the leadership labors. You know the issues and their consequences for the Nation and the world. Give to the leadership special grace at a time when tension increases, and the clock keeps ticking off the relentless movement of time. When debate is hot and emotions are high, infuse the Senate with Your peace and patience. Whatever their religious convictions and practices, help each Senator to find a few moments of quiet to reflect on the inexhaustible resources of Your grace.

Thy will be done in this place. 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, October 3, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADERSHIP TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The time between 9:30 a.m. and 10:30 a.m. shall be under the control of the minority leader or his designee. During the time between 10:30 a.m. and 11 a.m., the Senator from Colorado [Mr. WIRTH] and the Senator from Minnesota [Mr. WELLSTONE] shall each be recognized to speak for up to 15 minutes each.

The Senator from Oklahoma is recognized.

COMPLIMENTS TO REVEREND HALVERSON

Mr. NICKLES. Mr. President, I compliment Chaplain Halverson. He has been a very close friend of mine. He has been a very loyal servant to the Senate and to the country. I think his prayer today exemplified it.

Many times we do not pause to say thank you to him for his service to this body and also to this country, not only for his prayers but also for his books and for his leadership and for the great pastoral way in which he has assisted us. It has truly been a real asset to this Senator, and I think to all of us who have had the pleasure of serving in the Senate for the last 11 years since he has been Chaplain of the Senate.

PASSAGE OF THE HIGHWAY BILL

Mr. NICKLES. Mr. President, I rise today to speak about the highway bill. Several of my colleagues will be speaking about the highway bill this morning, probably for about the next hour.

First, Mr. President, we wish to urge that the Congress move. Many people have been talking about a jobs bill. As a matter of fact, debate on the unemployment extension has dominated this body for about the last week. Congress has passed an extension on unemployment compensation, one that is expected the President will veto, and I think rightfully so, because it increases the deficit by $6.2 billion at a time—I do not know if most of my colleagues are aware of this—we just completed fiscal year 1991 with a deficit in the neighborhood of probably $279 billion, and next year it is estimated to be something like $350 billion.

However, the bill we just passed would increase that deficit—whatever it is, astronomically high—by an additional $6 billion. I find that to be irresponsible.

Mr. President, there is something we can do that will help create jobs. That is to pass the highway bill. We have already passed it in the Senate, so I am not really critical of our Senate colleagues. I think, Mr. President, it is a very good bill. It may not be perfect.

The House is working on the bill, but unfortunately the House has not passed it. The bill is still languishing in the House. As a result of that inactivity in the House, or the result of Congress not being able to pass a bill, we actually have thousands of people in my State who are going to lose jobs.

I have a letter from my Governor, Governor Walters, which I will include in the RECORD. I have a letter from the Association of General Contractors from the State of Oklahoma saying that—I will read this one line:

> Well over 20,000 Oklahomans will be collecting unemployment compensation soon.

He is talking about if Congress does not move forward on this bill. We are talking about real jobs. We are talking

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

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about jobs, not just an extension where we are going to pay somebody for not working. We are talking about paying somebody to build roads for which we have already collected taxes. Taxes are sitting, supposedly, in the road funds. They are just not being released. Why? Because Congress has not passed a bill.

I speak of Oklahoma. Yes, that is a parochial interest. I am concerned about my State. I am concerned about the roads not being built in my State. In Oklahoma, we were supposed to have $20 million of contracts to be let this month. Now that has been reduced to $12 million, and nationwide it has been reduced rather significantly.

It is estimated by the American Association of State Highway and Transportation Officials that if Congress does not move quickly, we will lose something like 87,000 jobs by December 31, 1991. If we do not enact the Federal highway bill—they say if it is not done by September 1992—we will lose 407,000 jobs.

Mr. President, I find that to be irresponsible; jobs lost because Congress has not passed a bill. Why has Congress not passed a bill? There is a lot of discussion or debate whether or not we would increase gasoline taxes by a nickel, and so on. Almost every State is going to have a significant increase in its allocation. In my State of Oklahoma, we are looking at something like a 38-percent increase over the next 5 years. Most States are looking at rather significant increases because we are spending some of the so-called reserve fund over the next 5 years. I find it totally irresponsible for the Congress not to enact a highway bill and not to enact it soon.

I look at the USA Today, and it has a chart—I will include that for the RECORD—of the States that are running out of money, the States where the contracts will not be let. Most of these States are in the 30-some percent category, that they can only let contracts at 30-some percent of what was anticipated. Those are jobs that are going to be lost because Congress has not acted. That is irresponsible. That means people will be receiving unemployment that should be out building roads, that should be getting good jobs.

I also noticed in the same article, Mr. President, that it says: "Congress is keeping States in the slow lane; 15 States to defy the 55 order."

Mr. President, what that deals with is an amendment which this Senator had passed several years ago on an appropriations bill that would allow States to have roads built to interstate standards to increase the speed limits, if they so desire, up to 65.

We passed on the previous highway authorization bill an amendment that I sponsored, along with Senator SYMMS and others, to allow States to increase speed limits on rural interstates to 65 miles per hour. I think that is good amendment. That is still the law of the land.

Unfortunately, we did not cover roads that were built to interstate standards, and so this Senator, on a transportation appropriations bill a few years ago, put in an amendment that said those roads likewise, if the State so desired—we leave this up to the States—could increase the speed limit up to 65. That authority expired September 30, and so the States now have been told by the Department of Transportation they have to roll those speed limits back to 55. That is ridiculous.

And so I might inform my colleagues and the Department of Transportation that on the transportation appropriations bill this year, yesterday Senator KASTEN, for himself and myself and several other interested Senators, put in an amendment that was agreed to in conference that would allow those States to have an additional year of authority where they could keep the speed limit at 65 for roads that meet interstate standards.

It is a very good amendment. In my State, there are 278 miles that fall into that category that are basically turnpikes that meet interstate standards. We do not want to have the State officials to have to go out and take these 65-mile-an-hour speed limit signs, roll those back to 55, and when Congress acts in a week or a month or two on the highway bill, to change them back. They will not have to now, because we put that on the appropriations bill and, hopefully, that conference will be finished today, and the President will sign that bill next week, or at least it is my hope that he will. So there is really no need for these 15 States to go to the expense and confusion of rolling the speed limit back to 55 and then changing them once again to 65.

Mr. President, I see my colleague, Senator SYMMS, is here. I ask unanimous consent to have printed in the RECORD material pertaining to the highway bill.

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

STATES AT THE END OF THE ROAD

The expiration Monday of the federal Highway Trust Fund law has left many states short of roadway funding. Here are the states expected to run out of federal highway funding in the next two months, and the percentage of their highway funding that is federal:

	Percent
November:	
D.C.	34
Illinois	33
Indiana	24
Iowa	36
Kentucky	19
Maine	22
Maryland	26
Mississippi	34
Ohio	44
Texas	31
October:	
Alabama	45
Arkansas	26
Connecticut	29
Florida	39
Nebraska	37
North Dakota	43
Oregon	26
Tennessee	34
Virginia	21
Wisconsin	33

Source: USA TODAY research.

ASSOCIATION OF OKLAHOMA GENERAL CONTRACTORS,
Oklahoma City, OK, October 2, 1991.

GENTLEMEN: Yesterday, we were informed by the Oklahoma Department of Transportation that FHWA had apportioned 29/365 of our federal aid highway funds for use at this time. This is $12,000,000, while our state has an unobligated balance of over one hundred million dollars in the fund.

This puny release will permit a highway letting in November of about $15,000,000, as opposed to the advertised amount of $20,000,000. This follows a letting in October at less than $10,000,000 and the future is in the hands of the Congress and the Bush administration while the balance in the trust fund continues to grow.

This is a deplorable situation and comes at an extremely bad time for employees in highway construction in Oklahoma.

With the recent completion of four new turnpikes that employed 12,000 citizens who will not now be re-employed by the timely passage of a new highway bill, plus the lack of authorization of funding at this time by FHWA, well over 20,000 Oklahomans will be collecting unemployment compensation soon.

It is imperative that a new federal aid transportation bill be passed at once! It should include among other things: (1) a spend down of the surplus in the Highway Trust Fund; (2) abolish categorical control of funds; (3) final authority for an overall transportation plan for each state be given to the Transportation Commission vs. fragmented authority among several elements of government.

We implore you to use your good office and influence in making the above occur at once. The release of infrastructure funding will do more to improve the economy of America than any single thing . . . fact not fiction.

Sincerely,

BILL SKEITH,
Executive Director.

STATE OF OKLAHOMA,
Oklahoma City, OK, October 2, 1991.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR DON: We received information from the Federal Highway Administration yesterday informing us that we would be able to obligate 20/365ths part of the last year's obligation authority. This amounts to a grand total of $12.6 million dollars of obligation authority for the Oklahoma Department of Transportation for the next 29 days. With this $12.6 million, we must take care of our November contract letting, buy right-of-way for our continuing program and continue our research programs. Our November letting alone was planned for $20 million. Obviously, a good portion of this will be deleted. Should this piecemeal approach be used for any length of time, it will seriously impact the heavy highway construction industry and the industries that support highway construction. The jobs lost in Oklahoma as a result of this approach will be significant.

We strongly recommend that the states be allowed to use all of their unobligated funds

(Oklahoma has approximately $117 million), and that the category restrictions be removed. This would allow our state to continue to operate in a reasonable fashion while the congress is debating reauthorization of the Surface Transportation Act.

Thank you for the support you have provided throughout this entire process.

Sincerely,

DAVID WALTERS,
Governor.

Mr. NICKLES. Included in that request, Mr. President, is a letter from the Governor of Oklahoma and also the Association of Oklahoma General Contractors that clarify the economic impact that this would have, not only on the Nation, but on our State as well.

Let me conclude by stating that, again, I hope that the Congress will enact a highway bill, and I hope they will do it soon. That will eliminate this confusion over the 65 or 55 for noninterstate highways, because we make it permanent in the highway bill. That was passed, and it was my amendment. It is a good amendment. I appreciate the support we have had from the Senator from Idaho to make that a reality. He worked tirelessly to make the highway bill a good, bipartisan bill which passed overwhelmingly in the Senate. His leadership on this bill, in my opinion, has been outstanding, and I compliment him for it. I hope that the House will act soon, so we can pass the bill, and it will have to be signed by the President and put these highway construction workers back to work.

I yield 10 minutes to Senator SYMMS.

CONGRESS SHOULD CONSIDER AMERICA'S AGENDA

Mr. SYMMS. Mr. President, I first thank my colleagues from Oklahoma for his kind remarks. I also think that he is quite correct. I have often said what Congress should do is the agenda for America, and that means, stop meddling in so many issues and questions in which Congress should not be involved, which really interferes with production and work, savings, thrift, and the American dream, if you will.

I say this, Mr. President: I do not think the American people expect much from Congress any more, as our level of public esteem seems to sink on a daily basis. But we appear well on the road to falling short of even those diminished expectations. What do the American people want from us? They want a balanced budget. They want policies to encourage and sustain a strong private sector. At the very least, they want the Federal Government not to make it more difficult to stop violent crime and get violent criminals out of their neighborhoods and off their streets.

What do they get? A political deadlock in which the Democratic majority in Congress shovels politically motivated bills, one after another, down to Pennsylvania Avenue only to have the President sink them with his veto pen.

Mr. President, I would say in defense of Congress and the President: The American people are the ones who elect the leftist, pro-Government-agenda people to the Congress and a conservative Republican to the White House and then expect a meeting of the minds. So the only time the President can get a bill passed is when he compromises with the people who want to pass more regulations or raises taxes.

We should have finished the work already on the highway bill. The President could sign it into law. This is one time I think—and I share the view of my colleague from Oklahoma—that the Senate did an excellent job. Senators MOYNIHAN, BURDICK, CHAFEE, and I brought to the floor the Surface Transportation Efficiency Act, which would complete construction of the Interstate System and provide the largest surface transportation program in history. The Senate completed its work on that important legislation with more than 3 months remaining in the fiscal year. It was PAT MOYNIHAN who came to me and said, the morning after the President called for 100 days, "Symms, let us get this done in 100 days, as the President asked." I said, "We will do it," and we came very close. We were on the floor debating it. If we had not had the deadlock on the apportionment, which was to be expected, we would have completed that within 100 days here on the floor, as the President asked us to do.

Unfortunately, the House coddled and cajoled Members for weeks trying to round up a sufficient number of votes for a bill that the President promised to veto. As a result of that unsuccessful effort, the Nation's surface transportation programs expired on this last Monday before a reauthorizing bill could even be brought to the House floor for consideration. So we are a long way off from a conference, the way it appears today.

The Federal Government provides few, if any, programs that do more to encourage and sustain a strong private sector than those intended to build or maintain our transportation infrastructure. Reauthorizing those programs, particularly with the Senate bill's focus on greater productivity in the transportation sector of our economy, should be one of our top priorities here in the Congress. Instead, Mr. President, the Congress is cynically raising the hopes of the long-term unemployed by passing a bill which the President will veto, and the veto will be sustained. In the meantime, those people who are unemployed and looking for a job may be buoyed today by false hopes and false expectations raised by Congress in a cruel, cynical fashion since we know the President said he will veto the bill, and the veto will be sustained.

Next, we will send the President a parental leave bill, which he will also veto, and it will easily be sustained, because of the anticompetitive burden it would mean for the private sector. It should be vetoed and sustained, and it will be.

But it is a political agenda. This is not a new leaf turned by the Democratic Party leaders because we are entering the political season. The Congress has already established a record of such political partisanship at the expense of legislation intended to address the issues Americans care about. What the people want is a progrowth, free enterprise economy where they have an opportunity to work, save, and invest and keep some of their money, and keep the Government out of their business. Let the Government take care of security issues, keep the criminals off the streets, and give us a program for the Nation's infrastructure.

First there was S. 3, the campaign finance bill. This was not vetoed last year, only because it never went anywhere. It was so blatantly political, Mr. President, that it provoked a filibuster supported by virtually every Senate Republican, every Senate Republican. It was so blatantly political, it could not go anywhere.

S. 4, the child welfare bill, would bust the budget summit agreement by spending over $2 billion over 5 years, much of which is in entitlements, to deal with problems with respect to which similar existing Federal programs have already been largely ineffectual; they have not worked. It is throwing good money after bad, and people are sick of it.

In the area of education, the President last year proposed a series of initiatives constituting a first step toward reasserting competence and choice in the Nation's. educational system. Senate Democrats took the President's $50 million program, added $750 million of Democratic sweetners, and attempted to send the bill to the President's desk. Fortunately, that bill was stopped by the objections of several Senators to some of its controversial provisions.

Mr. President, where does this end? Throwing money at education will not cure the problem. Competitive choice and greater discipline will go a long way toward improving the quality of the product—the graduates from those schools.

These are a few examples. The key to the Senate's lack of productivity is the politicized agenda which confronts it. Republicans are not wise if we consent to stay around here until Thanksgiving to consider legislation which is so obviously destined to be vetoed.

We should focus our efforts and our energy on legislation which the American people want, which the President will sign. That agenda is manageable and could be completed very shortly by

a Congress intent on doing America's agenda rather than the Democratic Party's political agenda.

Mr. President, I close in saying I hope that in 1992 the American people elect one party to run the country and hold them accountable for the Government they provide. And after a given period of 4 years or so, if progress is not being made toward supporting and sustaining a strong growth-oriented economy, then I think it would be entirely appropriate for the American people to throw everybody out and try the Democrats for a while.

But what we have here is an agenda that is being pushed by one party that is totally out of step with what the American people voted for when they voted for George Bush. He should not, and he will not, I trust, condone these antigrowth, anticompetitive, populist measures brought up on the Senate floor and the House floor to promote this political agenda.

It is high time this Congress spend its time worrying about where our economy is going. All one has to do is look at what is happening with respect to the economy. We are going to have a budget deficit this year of $350 to $400 billion. Why? One reason is we passed regulation upon regulation that stifles productivity in the country. We refuse to reduce the taxes on capital assets in the country, on capital gains, to promote growth and investment opportunities. We continue to tax the working people too high and spend the money lavishly on unlimited entitlement programs that reduce incentives to work and produce.

It is time we accept a program such as suggested by Senators KASTEN, MACK, and GRAMM earlier this year, for starters. I think we ought to take a good look at all the regulations that have been passed. This country has the capability of having a regulatory recession just by the bills that have been passed by this Congress.

Look at what is happening in our hometowns with the wasted money spent digging up tanks that do not leak, on liabilities carried on forever when one small business tries to buy another one and finds out they cannot do it because of the liabilities.

We are destroying the right to private property in this country by excessive government.

Mr. President, I think it is high time that Members of Congress start looking forward, looking out to what it is their constituents need, which is a strong economy, an opportunity for jobs, work, savings, and investment. Congress should stop all this nonsense of politicizing every issue hoping to get a few votes back home with a purely partisan political agenda.

Mr. President, I yield the floor. I thank my colleagues for the time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, again I wish to compliment my colleague from Idaho for his leadership on the highway bill and himself for his statement.

I also note now we have the Senator from Wisconsin here. I complimented him earlier on the floor for the amendment that he put in the transportation bill yesterday that would allow States, if they have done so in the past, anyway, to keep the speed limit at 65 for roads that meet interstate standards. That amendment that he was successful in putting on the transportation bill will save those 15 States a lot of money and a lot of confusion.

I compliment him for his leadership in that effort.

How much time would the Senator like?

Mr. KASTEN. 5 minutes.

Mr. NICKLES. I yield the Senator 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin [Mr. KASTEN] is recognized.

Mr. KASTEN. Mr. President, I want to thank the Senator from Oklahoma.

First of all, I want to point out that I had the opportunity of introducing the amendment the Senator from Oklahoma has been backing and working on for a number of years. And it was with his help and assistance that we were able to be successful in passing the 65–55 road sign amendment. But I think it simply makes the point that we are trying to make here today.

We have talked about jobs, we have talked about unemployment, we have talked about the issues that we are faced with. Today we are here to express our concern, to express our anger that the surface transportation reauthorization bill has not been passed by the House of Representatives.

On June 19 the Senate passed the highway bill. It had a 5-year spending limit of $123 billion. These dollars will be spent all across the country. They would be spent in Wisconsin, Oklahoma, Idaho.

While I had hoped for and fought for a distribution system that treated the donor States more fairly, I stated at the time the importance of passing quickly this legislation so that we did not have the turmoil that we had in 1986, that we did not have the turmoil that we had in 1987. And because the House failed to act yesterday, as the Senator from Oklahoma referred, we had to fix, in an appropriations bill, the problem that had occurred because the House had failed to act.

We won our amendment to correct the mistake that will make $25 million in Federal highway funds available to Wisconsin by December. That amendment that we won yesterday would extend for 1 year a special law allowing 65-miles-per-hour speed limits on noninterstate, four-lane rural routes in 15 States including Wisconsin. Both the House bill, the Senate bill—and the administration bill—actually makes this provision permanent law, but because yesterday we were in an appropriations bill, it can only cover a year. We covered it for a year.

I hope that this will become permanent law, and we will not have to put this particular amendment back in the legislation year after year after year.

As I said, I would extend for 1 year a special law allowing 65-miles-per-hour speed limits on noninterstate, four-lane rural routes in Wisconsin and 15 other States.

Without this amendment Wisconsin would have been caught in the confusing dilemma of whether to roll back the speed limit to 55, in effect, forego the dough, go without the money.

Affected roads in Wisconsin included Routes 78 and 51, north of I–94, the area between Portage and Merrill, and Route 12 between I–43 and the Illinois line, near Lake Gevena.

Fortunately, we won on this amendment which allows the 65-miles-per-hour speed limit on 131 highway miles throughout Wisconsin without jeopardizing Federal funds.

This is important news, good news for Wisconsin. I will push for this measure when the Department of Transportation bill comes back to the Senate for a final vote.

But the key point here is that we are working through these fixes. We are working through these quick fixes because the House of Representatives has still not acted on the bill to provide the dollars to help develop the infrastructure.

I am not happy with the formula. We tried to improve the formula for the last 35 years. Wisconsin has not received a fair return on its Federal highway tax dollars, and we do deserve to do better. I think it is important to recognize that a number of us, including the Senator from Wisconsin, who is now in the chair, worked to try to improve this formula.

Since the mid-1950's, Wisconsin has paid approximately $1.2 billion more into the Federal highway fund than it has received. This has been a chronic problem.

It is time for a more equitable return on our highway dollars. But we need a bill. We need legislation. Our State departments of transportation are anxious, our contractors and our workers are worried. They are concerned. It is not as if we do not have the money. It is not as if we are not ready to go forward. It is because of a political delay. It is because of congressional inaction.

I urge the House of Representatives to act to protect jobs, to improve our infrastructure and move forward with the overall effort that we have to be pushing for. It is important that we recognize that the Senate has passed the bill. We in the Senate have passed the bill. Now it is time for the House of Representatives to act.

Mr. SIMPSON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. I yield 10 minutes to the Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, for the last several months we have been hearing the majority party of the Congress accuse President Bush of not having a domestic agenda, that he is not concerned about the needs of our Nation, that he is more interested in the road to Damascus than he is the roads of America.

Mr. President, if I recall correctly, it was the administration that proposed their own version of the surface transportation bill way back in March of this year.

The Senate passed our version of the surface transportation bill in early June. The Senate bill is a good bill which provides adequate funding to meet the infrastructure needs of this Nation, at least from the standpoint of transportation.

So, Mr. President, here we are 8 months after the administration initially proposed their legislation and the House of Representatives still has not passed a bill. It is the leadership of the House of Representatives, it seems to me, that ought to look inwardly instead of accusing the President of not having a domestic agenda, to ask what is the Congress of the United States doing about passing a domestic agenda.

It is the leadership of the House of Representatives that right now on a very important infrastructure piece of legislation has not functioned. It is the leadership of the House of Representatives that could not even pass a surface transportation bill by the deadline of September 30, so that we could avoid passing interim legislation so we could keep on building highways.

Why does the House of Representatives have a problem? Why have they been unable to pass legislation? It is because they played around with the idea of raising taxes, a gas tax increase, so some more appetite for spending of money could be satisfied.

Mr. President, I think it is this simple, when it comes to the issue of raising taxes whether it is the income tax, the gas tax or any other tax. We try to raise taxes to satisfy our appetite to spend money. Sometimes we raise taxes with the idea that we are going to be able to reduce the deficit, which does not happen because we had the second-highest tax increase in the history of our Nation, and yet the largest budget deficit in the history of our country in the compromise that was passed last fall.

When are we going to wake up to the proposition that you cannot raise taxes high enough to satisfy the appetite of Congress to spend money? Well, the House of Representatives has not come to that conclusion, at least maybe now they have but earlier they had not because they were trying to increase the gas tax and that held up the highway transportation bill.

Included in the initial version of the House of Representatives' highway bill was a 5-cent-a-gallon increase in the gasoline tax. This would have come on top of a 5-cent gas tax increase that just went into effect last December 1. You know a nickel here and a nickel there, and like the old saying of Senator Dirksen, it adds up to real money. You know somebody said, a nickel, just a nickel for America. All I want is for people who think taxes will solve our problems in this country to tell us, if they had a nickel last year, proposed a nickel this year, maybe a nickel next year, when are there going to be enough nickel increases in the gasoline tax until finally somebody says we have raised taxes high enough? Nobody has drawn that line yet, and until that line is drawn I am not willing to consider the second nickel gasoline tax increase on the top of the one that was passed last year.

The gas tax, besides not solving the problems that people think it will solve, is a regressive tax that hits hardest at America's working families and the lower- to middle-income levels. Specific to my State of Iowa, the inclusion of this increase in the gas tax would cost the taxpayers of my State over $600 million.

Ultimately, the House Democratic leadership in their own caucus discarded the idea of enacting the 5-cent-a-gallon hike in Federal gasoline taxes and this was after the Members of that body were home for the month of August and they heard the revolt of the taxpayers against this idea of increasing the gas tax. They decided it was too hot an issue and they backed off.

Where do we sit? We are still waiting for the Democratic leadership of the House of Representatives to pass what is left of their surface transportation bill. The easiest thing for them to do would be to pass what we passed here in the Senate and get the show on the road. There is obviously not going to be a bill in the near future because once the other body does act we are going to have a contentious conference to work out the considerable differences between the House bill and what has already passed the Senate. This will take some time. We will then need to come back to both bodies for final passage.

In the meantime what is going to be the effect on the country of inaction on the part of the House of Representatives?

The American Association of State Highway and Transportation Officials has presented a report which discusses the effect of a bill not being passed by October 1, Tuesday of this week. A delay in the timely passage of this legislation would have a shocking effect on the economy of the United States and put at jeopardy many of the important transportation projects in our country. The construction industry would be especially hard hit. According to the American Association of State Highway and Transportation Officials, an estimated 87,400 jobs and $5.9 billion in output could be lost in the next fiscal year if legislation is not passed. The impact of these jobs lost would be devastating just as we are moving out of the recession.

Other areas of our economy will be taking a hit because of inaction. The manufacturing and service sectors will feel the negative impact. This will resonate throughout our economy and it will affect everyone.

Recently, the Congress acted upon a bill that would extend unemployment benefits to those who need them. I support the idea of providing these additional benefits to those in need under a responsible bill that does not further increase the Federal deficit. But because of the inaction of the House of Representatives thousands of people will be losing their jobs that are associated with the highway construction business. That is a classic case of politicians talking out of both sides of our mouth. Claiming to be concerned about the unemployed in our Nation, while forcing thousands of individuals onto the unemployment rolls because of Congress' inaction and then in the process raising the gas tax which is going to have a further drag on an economy that is not recovering as quickly as it should

My own State of Iowa will feel the effects. Iowa will be faced with a logjam of projects and see project starts delayed until late spring or early summer next year. Iowa may experience an increase in projects costs and possibly as much as a 1-year delay in the completion of major projects.

All of this could occur because of a delay in the passage of the 5-year surface transportation bill and the delay caused by the House of Representatives leaders' passion for raising taxes on our working men and women.

I yield the floor.

Mr. SIMPSON. Mr. President, I yield 10 minutes to Senator SMITH of New Hampshire.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Hampshire.

THANKSGIVING ADJOURNMENT DATE

Mr. SMITH. I thank my friend from Wyoming for yielding.

Mr. President, 2 weeks ago the leadership announced intention to keep Congress in until Thanksgiving. More bad news for the American people. The longer we stay in the more it costs.

It is very appropriate perhaps that we are going to stay in until Thanksgiving. The taxpayers of America are going to be presented with a real turkey if the liberal Democratic agenda should pass.

It is not going to taste good. It will not go down very well. And on the way down it is going to gobble up a whole lot of our money.

In the past 9 months, Congress has continued to throw good money after bad, piling new programs onto a conflagration of debt which is already expected to exceed the projected budget agreement by $216.7 billion.

Let us look at some of that agenda. The House leadership is bottling up a highway bill that would create jobs, moneys that have been raised for that purpose to expand the highway system. They defeated legislation to reduce the capital gains and deregulate business so that small business can create more jobs.

We are throwing people out of work at the same time increasing their taxes, refusing to act to remove the earning limitations so that our seniors who want to work can work and be producing more taxes while they are doing it, and passing budget-busting bills which will have our national debt near $4 trillion within the next 2 or 3 years.

Is there any doubt, for all of the good intentions of their sponsors, that these programs will constitute the same waste of money as their predecessors?

The latest political football is the issue of education. Later this year, we will be asked to consider S. 2, a liberal education bill which will increase spending for handicapped education alone by $6.8 billion a year, on the theory that a lot more money will result in a lot better education.

Unfortunately, history has not borne out this presumption. In 1967, when the Federal Government spent a total of $6.4 billion on education, average SAT scores were 492 in math and 465 in English. In 1970, the Government spent $8.6 billion, SAT scores were 488 in math and 460 in English. By 1980, when spending had risen to $31.8 billion annually, SAT scores had sunk to 466 in math and 424 in English. Now we are spending $42.8 billion in 1991—a whopping 35 percent increase over 1980. What are our average SAT scores now? A pathetic 474 in math and 422 in English. Whatever our Federal dollars are buying, they are certainly not buying educational quality.

Next spring, we will be asked to tackle the health issue. The Federal Government spent $1.1 billion on medical care payments to individuals in 1960 and $57 billion in 1980. In 1991, medical care payments to individuals rose to $182.8 billion; and, by 1966, even President Bush's budget envisions $315.4 billion in medical care payments to individuals—a 286-fold increase over 1960 and a 73-percent increase over 1991. Yet, we will be treated to pronouncements that our Nation's health system is a shambles which demands new Federal Government intervention. Well, Mr. President, if we are proposing to spend over $300 billion under current law for medical payments—and if this $300 billion is not accomplishing the purpose of providing adequate medical care to our Nation's people—then something is seriously wrong—and someone ought to be held accountable.

Is it not reasonable to find out why what we are spending is not working before we spend more?

And so it goes with one program after another. In fact, there seems to be a direct relationship between Federal Government spending and the resultant severity of the problem. And, if there is any doubt about what that relationship is, it is: "Spend more money; make the problem worse."

Now, the congressional leadership proposes to spend an additional 2 months solving more of our national problems for us. In addition to a budget-busting education bill, the proposed agenda for this October surprise includes a bill to reregulate the cable industry, a bill which would cost over 5,000 lives a year by forcing Americans into smaller cars, a bill to effectively require the use of quota hiring by private employers, and possibly conference reports of bills to ban guns, support coercive sterilization in China, and remove the rights of employers and employees to determine what mix of employee benefits will be provided.

Mr. President, perhaps it is appropriate that Halloween is fast approaching. Taxpayers do not stand a ghost of a chance of getting any relief from this Congress. Congress is working its old black magic once again.

It has been said that visionary programs are upon us, that these liberal programs are visionary. Well, I think the vision is right smack on your wallet.

Is this the domestic agenda which the American people want: big government, reduced personal safety, and racial quotas? If this is supposed to be the vaunted domestic agenda which will form the center of the 1992 campaign season, I would advise Congress to leave town today.

The first session of the first Congress, composed of many of our country's Founding Fathers in 1789, obtained a quorum on April 6 and they adjourned on September 29—6 months. In those 6 months, they laid the framework for a new nation. The 1st session of the 102d Congress now proposes to stay in session 11 months, nearly twice as long. What a contrast.

Those fiscally responsible citizen legislators have now given way to year-round, professional big spenders.

Congress should do the American people a favor, Mr. President. To paraphrase a wiser man from an earlier era, "You have been around too long for any good you have done. For God's sake, go."

Thank you, Mr. President. I yield back the remainder of my time.

Mr. SIMPSON. Mr. President, I thank my colleague from New Hampshire for that powerful statement and true, indeed.

I now yield to my friend from Mississippi, Senator COCHRAN, 5 minutes.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, yesterday I read an article from the Commercial Appeal of Memphis, TN, with the headline, "Federal Highway Aid Measure Ends; Congress Inaction Stalls Spending."

Mr. President, I ask unanimous consent that the text of that article be printed at this point in the RECORD.

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

FEDERAL HIGHWAY AID MEASURE ENDS; CONGRESS INACTION STALLS SPENDING

WASHINGTON.—States and cities lost their authority to spend federal aid on highways, bridges and transit and traffic safety projects Monday.

The five-year, $90.7 billion federal highway act expired at midnight and Congress has failed to agree on legislation to succeed it. The Senate passed a five-year, $123.5 billion bill in June, but a House committee is still working on a six-year, $151 billion bill.

Transportation Secretary Samuel Skinner said that while more than $6 billion remains in the pipeline, the availability of the aid varies state to state. Officials in Tennessee, Arkansas and Mississippi said future road contracts could be delayed by Congress's inaction.

Industry and private groups say that even a temporary lapse in federal highway aid means thousands of workers will be laid off, billions of dollars in output will be lost and the national economy, fighting to pull out of the recession, will have another hurdle to overcome.

Meanwhile, Gwen Hopkins, spokesman for the Tennessee Department of Transportation, said construction contracts already approved will not be affected but future contracts could be. The next openings of bids for road and bridge construction projects is scheduled for Oct. 25.

According to federal and state estimates, Tennessee has $96.2 million in federal transportation funds available but Ms. Hopkins said most of that money is tied up.

In Mississippi, highway officials said they would continue with state projects but delay letting bids for new federally funded projects. The federal government pumps $142 million into Mississippi annually:

Randy Ort, a spokesman for the Arkansas Highway Department, said the failure of Congress to act on the highway bill could delay the letting of contracts for road projects approved by the 1991 legislature.

Mr. COCHRAN. Mr. President, this indicates the very real result of the Congress' failure to enact highway legislation this year by October 1.

That point is that Federal aid highway dollars are very helpful to the States to maintain a continuing pro-

gram of highway construction and maintenance, bridge repair, and other activities at the State and local level that are funded in this highway bill.

I am genuinely concerned that, unless we build a fire under the committees of jurisdiction—the House Rules Committee and others that have an important role to play in this—we are going to see employment, troubled as it is right now in many of these States, become a yet bigger problem. There are people who are not going to be able to keep their jobs, they are not going to be able to maintain an earning capacity for their children and their families, unless this highway bill is passed expeditiously.

I am challenging the House of Representatives to move on its highway bill. We passed that bill here in the Senate. It provides about $120 billion over a 5-year period for highway construction projects. I hope we can see action on that soon.

It troubles me, at a time when we are seeing many of the leaders here in Congress trying to say that we are providing benefits for employees and those who are out of work, that at the same time we are saying we are doing something for them we are really harming them in many ways that we are not talking about. This highway legislation is one example, in my judgment. We need to see some action immediately. And there are other examples as well.

The energy bill that this Senate has already seen its Committee on Energy approve, has not yet been brought to the floor of the Senate by the Democratic leadership for action. We need action on that bill. It would help reduce our reliance on foreign sources of energy, stimulate the production of domestic energy resources, and help deal with very real problems that we see in our country today that are job related.

Another bill that concerns me that we have not seen any action on here on the floor of the Senate is the banking reform bill. Many are worried about the fact that there is a great deal of pressure on the bank insurance fund that safeguards the deposits of customers of banks throughout the country. The President has proposed some reforms and changes that would help bolster and protect that fund.

The Banking Committee on August 2 approved a bill that incorporates some of the President's requested reforms. It also, I might add, adds some new burdens on the banking industry that might not have the effect of really protecting depositors' interests or the interests that we all have in an ability of our financial institutions to meet the demand for loans that are needed so we can continue to see growth in our economy.

But, be that as it may, the point is that we need that legislation brought to the floor of the Senate so we can debate those issues, resolve them, and get on with it, so that consumers will have their confidence restored and our economy can move forward.

We see difficulty in our economy right now because of several factors. Many of them are induced by Congress' inaction and failure to come to grips with some of the problems that we are facing. Then we see, on the other hand, action being taken that has a negative effect, an expressing effect on our economy.

I think the legislation we passed yesterday, the mandated benefit legislation, is an example. That is going to increase costs. That is going to impose new burdens on business and industry and our economy. The legislation that we saw passed earlier this week, the unemployment benefit legislation, is going to add $6 billion to our Nation's deficit. That has a negative effect on economic growth and the stability that we are looking for in our economy.

It is amazing when we see the U.S. economic engine, the job-creating engine that it has been during the past 10 years, the envy of the world, stalled by our own Government. Compared with Europe, we have created during the past 10 years four times as many jobs as they have created in a similar period. I would hate for us to go down the path they have been on for the last 10 years and see us falling into a trough of economic stagnation at a time when we should continue to be the shining example of success for the rest of the world.

Mr. SIMPSON. Mr. President, I do thank my friend from Mississippi for his very powerful statement, and a very important one.

I now yield 5 minutes to my friend from Minnesota, Senator DURENBERGER.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

WHERE IS THE HIGHWAY BILL?

Mr. DURENBERGER. Mr. President, I rise to express my gratitude to the Republican whip for stimulating a number of us who care about the economy and about public policy as it relates to the economy to come and express some thoughts here this morning, and to our good colleague from Mississippi for sort of putting into context what we do here and some of the things we do not seem to get around to doing here.

We open our newspapers every morning and we discover the difficulties our parliamentary counterparts have in places like the Soviet Union, South America, and Africa. When we look at the pace at which this place works and look at the ability we seem to have here in dodging difficult issues, we wonder how in the world those people can accomplish anything under much more insurmountable odds.

I thought the comments made by my colleague from Mississippi were most appropriate. We spent a good part of the year here last year debating environmental policy in this country. I thought it was most appropriate. It was bipartisan. The President was involved in it. We made a lot of very difficult and tough decisions, not all of which everybody agreed with; but we did it, got it over and done with, and I was pleased to be a part of that debate.

We have been presented with the opportunities by the schedule, by events, by the economy, by necessity, to deal with the energy issues, and we have not done it. I have not seen an energy bill here in a long, long time. In fact, I do not think I have seen an energy bill on the floor of the Senate since 1981 or 1980—1981, I think, as a matter of fact. But I guess there is an energy bill floating around someplace. It is just we are not dealing with it here, and I think we ought to.

The same thing is true of banking legislation. Is there a greater problem with a greater overhang on this system than the banking problem? But, for whatever reason, it is not being dealt with here on the floor of the U.S. Senate.

The one I participated in because of my committee assignment is one I thought would be real easy. And it is not here. But it is no fault of anybody in the Senate.

So I came to the floor this morning, Mr. President, on October 3, 1991, to ask just a simple question, and that is: Where is the highway bill? Where is the highway bill?

I think all of us stood here—I know I did—on the floor exactly 106 days ago and passed the Senate version of the highway reauthorization bill. It was a good bill. It was forward looking. It was responsible. It was bipartisan. It was a tremendous improvement over the kind of meat and potatoes highway bill that we have passed every 5 years around here since I have been here. It contained a national highway system amendment which I authored and which President Bush wanted. Under the leadership of our colleague, PAT MOYNIHAN, it contained a solid basis for infrastructure planning in this country, which is very important for the next decade and beyond.

One hundred and five days before that I remember sitting on the House floor looking up at the President of the United States, and he said in effect if we can win a war in 100 hours, you folks—meaning us—should be able to pass a highway bill in 100 days. And I really thought we could do it.

We already had it on our agenda. The President did not spring that one on us. We knew the current bill expired on October 1, 1991. So where is the highway bill? Where is the highway bill?

As a member of the committee and a Senator representing a State with

26,000 miles of Federal aid highways, my people ask me what in the world is going on. We have a little 7-mile stretch on Route 52, just outside Rochester, MN, which has suddenly become the most important piece of concrete in my State because right now people can drive 65 miles and hour on it under special demonstration program, but that expires on midnight Monday.

The Minnesota Highway Department, the transportation department, is trying to decide whether to run down there next Monday, take down the signs, put gunnysacks over them, or risk cutting off the funding for all the other 26,000 miles. That is just another silly example of the kind of havoc we are starting to create because there is no highway bill.

Where is the highway bill? When will the doors in the back of this Chamber open to that happy messenger from the House of Representatives bringing us a highway bill which we can finally take to conference?

Is it too much to ask, that 211 days after the President of the United States asked us for a bill on national television, that the House send us a bill?

I feel like I am in the scene from "Waiting for Godot." Hopefully, someday, unlike Godot, the House highway bill will finally arrive.

Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, I thank my friend from Minnesota. Those were a very provocative and excellent series of remarks. Like the comments of my other Republican colleagues who have spoken today, they come at a time when we are waiting for the happy courier to come to the door of the Senate, tapping lightly, and finally bringing us a highway bill. I cannot wait for that experience. I am titillated by the prospect.

THE BUSINESS OF THE SENATE

Mr. SIMPSON. I think this has been an excellent special order. I thank my colleagues for their appearance and presentations. I hope we can heed the words of our colleagues here as to what we should be doing, and what is the important business of the Senate.

We have been considering legislation in fairly good order recently with our work on the parental leave bill; the issue of the Environmental Protection Agency Cabinet status; the Thomas nomination, which we will go to today. That will be a very fair presentation consisting of debate for the balance of this day, Friday, Monday, and Tuesday, and then a vote on Tuesday evening.

But I do want to, certainly, indicate my frustration at certain aspects of the agenda of this Congress. We did, in the Senate, pass an excellent highway bill. It was managed in a very fine bipartisan way by Senator MOYNIHAN and Senator SYMMS, two people who had been working on that measure for years together. Together, they represent the urban perspective, the rural perspective and the frontier perspective. And it was a good peace of work. It is $123 billion, and it is all jobs.

There is no mystery as to what is in that bill—that is a jobs bill. It is absurd to talk about the President's so-called insensitivity on the unemployment compensation issue. We on both sides of the aisle want to pass such a bill—except on our side, we want to pay for it by auctioning spectrum fees, and on the other side of the aisle, those of the opposing faith, wish to just add it up to the burgeoning deficit. Yet both of us are trying to do something. But whatever we do, if it goes up for a veto it is not going to come back soon. If you want to do something, then pass a bill that does not just go up to the President and back to Congress as a pingpong ball. Don't play the game of see who can veto it and then see if it can be overridden. That is just fun and games, not good governing.

So I hope we all put the heat on the House and say, OK, there is a jobs bill over there, and it is a dandy. It is a $123 billion jobs bill. We know what will happen in conference. It will go up to about $133 billion. It still will provide people with jobs in the United States.

So I think the basic tenet that we continue to hear is that the President is enamored by foreign policy and he is not doing anything on the domestic agenda. I have often said an attack unanswered is an attack believed. Some people say an attack unanswered is an attack agreed to. So those of us who want the real story to be understood are going to have to keep repeating that long list of the President's domestic initiatives. The clean air bill, the America 200. Education plan, the banking reform bill, the Americans with Disabilities Act, a child care measure, and on and on.

These partisan attacks on the President have become almost comic in their inappropriateness. When the President made his historic announcement last Friday, concerning reductions in our nuclear arsenal, a Member of the House responded, after some obligatory words of praise for the President, with: "the President has only gone halfway. Now, the President must turn his attention from weapons of destruction to this destructive recession." So I guess even the President's landmark achievements are to be turned against him. This theme is going to be chanted like a mantra, regardless of events.

I believe that the transparency of these attacks would be less obvious if the Democrat Congress weren't so busy belying its own professed concerns about the impoverished and the jobless. This past week, unemployment compensation was the issue. The President declared his willingness to sign a responsible, paid-for, extension of unemployment benefits.

The Senate was presented with several options which would have paid for the unemployment benefits package, from Senator DOLE, from Senator GRAMM, and others. The Gramm amendment would have meant 485,000 new jobs by 1996, and as the Senator from Texas so aptly put it, "the only real cure for unemployment is employment."

The Senate was also faced with the clear knowledge that if we chose instead not to pay for the benefits, but instead to merely add the cost of them to our deficit, the bill would be vetoed—meaning at the very least, a delay in the benefits. So make no mistake—the Democrat Senate made a clear and conscious choice in favor of rhetoric over real assistance. I do not know how else to explain what happened. It could well be that it really was distasteful to Congress to pass a revenue-neutral package when it could jack up the deficit by $5.8 billion instead—or it could well be that a good old Presidential veto was desired all along, and not the extended benefits.

Right now the Congress is just sitting on another bill which would create jobs and thus reduce unemployment in the present and the future—the highway bill. That has been left to rot in the House because Democrats there want to load it up with private projects and then stick the general public with the bill payable at the gas pump. In other words, the supposed legal defenders of the little guy are holding up a jobs bill with their efforts to hit all Americans with one of the most regressive taxes imaginable—the gas tax right at the old pump in your hometown.

Mr. President, it is my fond hope that the U.S. Congress will turn away from these partisan tactics and get on with the real domestic agenda. This strategy of trying to solicit vetoes which may be embarrassing to the President, is questionable politically, and more importantly, it does nothing for the jobless. Joblessness will be reduced in exact proportion to economic growth. Therefore it is my hope that my colleagues will join in promoting progrowth and projobs policies, beginning with the enactment of the transportation bill. If we are truly sincere in our professions of concern for the impoverished and the jobless—present and future—we can do no less. Give them a job. There is $123 billion there to do it. Get with it. A $6 billion unemployment bill is peanuts compared to the power package of the highway bill. I thank the Chair and I yield the floor.

MEDICAL MALPRACTICE REFORM

Mr. DOMENICI. Mr. President, I am concerned that we here in Congress

have recently been playing dangerous position politics with the future of this country. Let me name just three areas where this comes to mind: Extended unemployment benefits, health care costs, and banking bill reform. Today, I would like to comment on health care costs and what we in the Senate ought to be doing about it.

Mr. President, some have accused the President of showing little leadership on health issues. I disagree. The President has proposed improvements in an area of health care that is in need of significant reform: Our medical malpractice system.

Many of us in Congress agree with the President. This is an area of health care that can be addressed this year. I introduced my own proposal in June of this year, Senate bill 1232, with the endorsement of former Surgeon General Koop.

This bill is cosponsored by Senators DANFORTH, RUDMAN, CHAFEE, and GRAMM, and was referred to the Committee on Finance. I am encouraged that the Finance Committee may be holding a hearing soon to address medical liability reform proposals. And I am hopeful that in the near future we can begin to move legislation in the Senate.

There is certainly plenty of support for this idea. Just last month, the Governors, on a bipartisan basis, urged medical malpractice reform. Medical liability reform should not be held up while we wait for a consensus on comprehensive health care reform.

Almost everyone that speaks of a new comprehensive health care reform sets a condition that we should find some ways to reduce costs, because we are never going to be able to support more access to health care when we cannot afford to pay for what we have now.

Frankly, one reform that we should enact as soon as possible, because it has a real chance of reducing costs—not necessarily overnight, but maybe over years—is dramatic medical malpractice reform. I know that there are still many who say let us get the comprehensive plan first. But if we take that approach, we could be waiting literally years before we make any progress on controlling health care costs and expanding access.

I believe there are some incremental steps that we can take this year, including medical malpractice liability reform, that would help millions of Americans get more affordable health care.

Let me suggest, as a political matter, if there are Senators who do not think malpractice reform has become a grassroots issue, try it on. Try some audiences of average citizens, not lawyers and not doctors; just ask a large group of your citizens if they think malpractice lawsuits which they read about in the newspapers are helping any of them. I believe they will answer as they have in my State. They will say it is helping very few, if any, and the rest are getting hurt.

And if you ask them should we change it; should we take it out of the courts; should we eliminate jury trials and let people that know something award the damages, believe it or not, you will—if not now, shortly—begin to get huge majorities saying yes.

In my State, it seems they clearly understand—senior citizens and others all the way down understand—they are getting ripped off in their medical bills because medical malpractice suits are setting a new standard of care that is not necessary and not beneficial, but avoids liability for the physician, and because premiums for the malpractice insurance, which the patients pay for are so high.

I will tell you about, anecdotally, a few of those shortly.

I do not think we should deny the American people some improvements in the health care system while we wait around for more sweeping reforms.

The problem with our medical malpractice system is well documented. Most recently, there was a thorough review by Harvard Medical School. Let me give you a couple of true stories to illustrate the problem.

In 1986 a medical malpractice suit was brought in Philadelphia.

A woman alleged that a dye, injected for a CAT scan triggered an allergic reaction and severe headaches. She claimed that the headaches impaired her job skills as a psychic with the powers to read auras, conduct seances, and predict the future. The jury deliberated 45 minutes and awarded her $1 million.

In March of 1990, at a trial in Florida, experts testified before a jury that a retired police officer suffered the loss of memory and sight, deafness, and the use of his left leg and arm due to negligence during back surgery. The jury awarded $2.25 million. One year later, he was seen boarding his new 46-foot yacht, driving to his home in the Florida Keys, and carrying luggage up the stairs—yes, luggage—with the left hand that was supposed to have been debilitated in the surgery.

Well, it is no wonder that malpractice insurance premiums are going through the roof. In the 1980's, premiums increased at an average annual rate of 15.1 percent, far outpacing the rate of inflation, even for medical care.

In Florida, Mr. President, obstetricians pay $150,000 a year for premiums for malpractice insurance. In Michigan, those same groups of specialists pay $134,000 a year. Just think of that. How long must they practice each year to pay that, or how much must they be raising the charges to the people they serve to pay this and still make a good living? These enormous premiums are just passed on to mothers who get prenatal care and delivery care. Their obstetricians simply charge them more.

In many parts of the country, patients simply cannot afford to pay these inflated bills. So doctors, believe it or not, are quitting the practice. In non-metropolitan areas in this great country, where we all assume obstetricians make plenty of money with their expertise, there has been a 20-percent drop in obstetricians in non-metropolitan areas in just 5 years, reducing access to primary health care to millions of American women; and in that area, on the one hand, political leaders are saying let us have a policy of helping the little children and the newborn, and we are trying to do that with new money—as the occupant of the chair has spoke to—and at the same time, there are no doctors in the area because they cannot afford to practice.

The current system, as I see it, is an expensive and inefficient lottery. A very select few hit the jackpot—usually those with good lawyers, or those who have suffered some sensational injury, and they draw the sympathy, and the juries award the money, and those are very few in number, just like a lottery. But the adverse effect on physicians is dramatic and, as a result, the cost of services is astronomical. A recent study—the one I referred to, the Harvard study—has documented the tremendous inequities of this lottery-of-success, or lottery-of-jury-awards approach. Eighty percent of the suits filed have no evidence of negligence, says this study. These are done by doctors, who are neutral, with no interest. But, they say, 15 people out of 16 injured due to negligent medical care never get compensated through the current litigation system.

This study went through the records of scores of cases, I say to my friends, and they found that only these potentially dynamite cases get filed, and they set the pattern for everyone; and the small negligence nobody bothers to file because nobody wants that kind of case, so they do not get anything. So it turns out that the system helps few and strangles the many with increased costs and defensive medicine, and the negligence remains rampant in the system, and we get nothing for it except compensation to a select few, and a select few of prominent trial lawyers who understand how to make the big cases worth the big bucks.

So doctors are sued much more often than they should be, according to these studies. Yet, many patients are getting substandard care without any penalty for the physician. Furthermore, the small chance of hitting this jackpot has induced thousands of frivolous suits. In the 1980's, the number of malpractice lawsuits per 100 physicians more than doubled from 3.2 to 7.4.

I will give you a couple of more summaries: In this day and age, nearly 40

percent of all physicians can expect to get sued at some point in their careers, and 50 percent of those performing any kind of surgery. Frankly, anyone around that thinks surgeons and doctors are terrible, and they want to be subjected to that kind of treatment, I do not at this point. They have other faults, but I think they are the best skilled and prepared in the world. Frankly, 50 percent getting sued in their lifetime for malpractice is unheard of. That is unheard of. Nearly 80 percent of all the obstetricians will have a claim filed against them, and an average obstetrician can expect to have three claims filed against him during his career.

This is destructive. This causes absolute undue kinds of tests and charges to avoid this—and who pays? It pushes the price of the delivery of health care up and up. This lottery system is costly and inefficient. Only 40 percent of all malpractice insurance premiums actually reach the injured patient. Again, only 40 percent of all malpractice insurance premiums reach injured patients. The other 60 percent pays for lawyers and other administrative costs.

But it is the hidden cost of unnecessary defensive medicine that is truly alarming. Physicians order countless unnecessary tests and procedures, to create the perception, for juries, that they did everything possible. And they provide the highest level of care, because they are concerned about liability and want an answer for almost every accusation. They pass these costs along. The unnecessary costs go to all of their patients. It is commonly referred to as "defensive medicine."

Defensive medicine is hard to estimate, but there is no doubt that it costs tens of billions of dollars a year.

The proposal which I have introduced—and I understand that it is an extreme reform, and it is literally taking all of the cases out of the courts and putting them into arbitration in the States, with caps. It will let small claims get heard because they can afford it and, clearly, it will bring down the costs dramatically. So I am not saying I have the right one, but I think it is among the best approaches. I think we ought to get on with it, because we must do it nationally.

The answer I get sometimes is that some States are trying it.

Sometimes, the answer is given when I raise this issue, well, California is trying some reform and maybe the State of New Mexico is and other States, and we do not have any real effects yet. Let me suggest something, and I think as we think through the idea of piecemeal reform of medical malpractice nationwide, let me suggest the following: Frankly, unless the Nation has medical malpractice reform, it is my humble opinion that you will probably get some insurance premiums down here or there, but you will not have the dramatic effect of changing the style of delivery, the defensive medicine and defensive service activities, because clearly, to get those down, all of the physicians, drug companies, and hospitals in the Nation have to know that there is indeed a new standard being applied.

The President's proposal is important because it focuses attention on this issue, but frankly I do not believe it is the answer to the problem. If we are to reduce defensive medicine, I believe we need to take the dramatic step of moving these cases out of the courtroom and into binding arbitration.

My bill would require all participants in Federal health programs—(Medicare, Medicaid, Veterans' health, military health programs, Indian Health Service, et critea—to take their cases to binding arbitration.

Furthermore, all those who are enrolled in private health plans that are tax deductible to an employer must also take their cases to binding arbitration.

We estimate that these two requirements will take 80 percent of malpractice cases out of court. Those not covered by these two requirements could voluntarily agree to take their cases to arbitration instead of court.

Binding arbitration would:

Significantly reduce the time and cost of adjudicating claims;

Allow more injured patients to get their cases heard; and

Improve the consistency and accuracy of the decisions for physicians and patients.

My bill would impose many of the same constraints on damage awards that the President proposes, but in the context of arbitration, not litigation.

These award constraints include:

a $250,000 cap on noneconomic damages;

reduced awards if the injured person is compensated by other insurance coverage; and

Periodic payments, rather than lump sums, for awards intended to compensate anticpated future losses.

My bill would also stop payment of punitive damages to the plaintiffs—redirecting these funds instead to State agencies for stricter discipline of grossly negligent physicians.

I hope my colleagues and others concerned about health care will take a look at my proposal. I believe they will find my bill a promising and effective approach.

I ask unanimous consent at this time that a review of this bill from a recent law journal be printed in the RECORD following my comments.

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

COMMENTARY: S. 1232—A LATE ENTRY IN THE RACE FOR MALPRACTICE REFORM

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I—INTRODUCTION

The field is growing in the race to take federal action to reform the law of medical malpractice.[1] Most of the entries are running under similar Republican colors, however.[2] They also bear a family resemblance in being generally concerned with such things as expanding the use of alternative methods of dispute resolution, limiting the amount and form of damages, shortening statutes of limitations, and altering the rule of joint and several liability. To be sure, each proposal features a different combination of specific reforms or a different means of getting them adopted by the states. But none of the initial entries in the federal race has generated great excitement among followers of the malpractice sport.

The latest entry in the race of federal malpractice reform, however, is a horse of a more interesting color. S. 1232, the "Medical Injury Compensation Fairness Act of 1991," was introduced on June 6, 1991, by Senator Pete V. Domenici (R., New Mexico).[3] This bill would go further than any other current proposal in using federal power directly to change the legal rights of health care consumers. One of its purposes is to impose limits on the damages recoverable in all malpractice cases arising out of care subsidized directly or indirectly by the federal government. The bill's most radical feature, however, is its bid to force all such malpractice cases out of the courts and into alternative forums for resolving disputes. This threatened federal entry into a sensitive area of plaintiffs' rights and state concern is certain to be controversial.

Although S. 1232 would be aggressively prescriptive of consumer rights in the foregoing respects, the bill is also notable for its forbearance in not using federal power to prescribe the details of all the reforms it would initiate. It would not, for example, finally specify the actual design of alternative dispute resolution ("ADR") mechanisms, thus opening the field to experimentation by competing ADR services and ultimately to private choice. Similarly, in addressing the vagueness and inefficiency of the legal standard of care traditionally employed in judging negligence in malpractice suits—a problem that previous legislative initiatives have rarely addressed at all—the bill would not mandate any particular change in the legal standards currently appearing in state law. Instead, it would simply indicate the receptivity of the federal government to alternative standards that might be independently specified either for federal health care programs or in private contracts between consumers and health care providers. Thus, even though the purpose of S. 1232 is to effectuate quite radical changes in a dysfunctional legal system, its method is not to legislate all such changes but to establish a new framework within which both procedural and substantive rights could evolve through the efforts and interaction of the parties affected.

We view S. 1232 as a highly constructive entry in the race to find solutions to some serious problems in American health care.[4] On the one hand, the bill is notable as an extreme assertion of federal authority, which it exercises by deeming (or requiring) certain private "agreements" to exist as pre-

Footnotes at end of article.

conditions to the enjoyment of valuable federal benefits. In our view, however, an even more significant feature of the bill is the considerable room it leaves for parties to such mandatory "agreements" and providers of ADR services to introduce reforms of their own design, thus altering by private contract procedural and substantive rights that have heretofore been generally prescribed by the legal system alone. This move to endow the private sector with the freedom to create new procedures and different legal relationships is emphasized in much of the discussion that follows. Because the paradigm that has previously dominated decision making on medical care issues in the United States has generally curtailed the role of consumer choice,[5] the explicit recognition and exploitation of the contractual character of health care in Senator Domenici's bill should be especially highlighted. Indeed, the idea of expanding the effective realm of private choice might be usefully incorporated in federal proposals that seek more general reform of American health care.

II—OVER VIEW OF S. 1232

Unlike other federal malpractice reform proposals, S. 1232 would bypass state law in several important respects, directly imposing a federal solution in an area that has traditionally been governed solely by the states. There are several reasons why Congress might override federalism concerns and take preemptive federal action. First, Congress might perceive that malpractice law raises health care costs that the federal government bears directly through its own financing programs or indirectly through tax subsidies to the private sector. Congress might also believe that national uniformity is necessary in order that some federal beneficiaries do not enjoy more extensive (and expensive) tort rights than others solely by virtue of their place of residence.[6] Moreover, some members of Congress might appreciate that the attempts made in other proposals to coerce the states to incorporate federally prescribed reforms in state legislation are hardly less offensive to federalism than direct preemption.[7]

S. 1232 divides patients and providers into three categories for purposes of prescribing or influencing their future legal rights and responsibilities. In the first category are persons who receive or provide care that is paid for directly by the federal government. The second category comprises everyone engaged in health care arrangements the cost of which is a tax-deductible business expense for a private employer. The third category is everyone else. Because the federal government's relationship to the health care transaction differs in the three cases, they are addressed in separate sections of the bill. With respect to substantive matters, however, the first two categories are treated almost identically.

Section 3 of S. 1232 applies to "any person accepting or providing health care to be paid for, in whole or in part, directly or indirectly, with funds made available under . . . any . . . Federal Act."[8] All patients and providers thus reached by section 3 "shall be deemed to have agreed to participate in the Federal medical dispute resolution program established under this Act for the purpose of fairly and quickly resolving claims against health care providers for personal injury arising from care rendered under [any such Federal Act]." Participation in the "Federal medical dispute resolution program" has several consequences.

The most important reform that would be wrought by the dispute resolution program spelled out in section 3 of the bill is a requirement §§3(b)(1), (5)) that all covered malpractice claims must be submitted for final resolution (subject to only limited appeal rights[9]) to a public or private dispute resolution service certified by the Secretary of Health and Human Services (HHS). The bill sets forth basic procedures for filing claims (§§3(b)(2)-(4)) and incorporates state statutes of limitations while also introducing its own eight-year statute of repose (§3(c)). Later discussion explores the dimensions and implications of the procedural revolution that these and other provisions of the bill would accomplish.

The only substantive reforms that would be effected directly by the bill are the limits it would impose on the damages that can be recovered on a malpractice claim that is subject to its terms (§3(e)). Here, however, the bill does not differ much from several other pending proposals or from reforms that have been adopted by a number of state legislatures. Noneconomic damages would be capped at $250,000 (unindexed) or at any lower level provided in state law. The bill also provides for deducting amounts receivable from collateral sources—without any exception for, say, victim-purchased life, disability, or health insurance but with subrogation rights of collateral sources apparently preserved.[10] Whenever the total damages awarded exceed $100,000, amounts intended to cover future expenses or losses would have to come in the form of periodic payments. In a unique provision, the bill would allow the award of punitive damages above the cap on noneconomic damages, but only if they are payable to the state (not the claimant) pursuant to a state plan to use them in "monitoring, disciplining, and educating health care providers." The bill says nothing about joint and several liability.[11]

Although section 3 of S. 1232 speaks of providers and patients having "agreed to participate in the Federal medical dispute resolution program," such supposed agreements are obviously not voluntary in any meaningful sense. Comparable compulsion also appears in the bill's method of reaching care rendered under privately financed health care plans. Here Congress's constitutional authority springs not from its power to condition federal spending but from its power to tax.[12] Section 4 of the bill would amend section 162 of the Internal Revenue Code of 1986[13] in such a way as to disallow an employer's tax deduction for the cost of an employee health benefits plan "unless the employees covered by such plan have entered into agreements" that create a legal regime almost identical to the dispute resolution program created in section 3 of the bill.[14] Thus, provision would have to be made for ADR and for limiting damages as outlined above.

The Domenici bill reflects a preference for tying the bill's requirements to the employer's tax deduction over the alternative approach of attaching conditions to the exclusion of employer-paid premiums from the taxable income of employees. Although the latter approach would have allowed employees to decide individually whether to accept the new arrangement, the approach chosen may be more attractive politically because it would not so overtly coerce employees to accept a cutback of what many of them perceive to be valuable rights. Employers, however, despite approving the reform objectives of the bill, have restrained their enthusiasm for it largely because it shifts the political burden to them in dealing with their workers.[15] Another reason for the choice may have been a belief that it would ensure wider adherence to the new regime. But the alternative approach of conditioning employee tax benefits might actually reach farther because it would encompass the many employees of tax-exempt employers.

Although S. 1232 does not attempt to mandate acceptance of the new regime by those persons whose health care is not subsidized by the federal government, it does condition a provider's general eligibility to participate in Medicare and Medicaid on the making of "a good faith effort to enter into agreements with [such persons] . . . to provide for the resolution of medical injury claims" (§5). The bill requires the Secretary of HHS to promulgate standard form contracts to accomplish the desired objective.

One might ask why the Domenici bill does not take the simpler approach of directly preempting state law with respect to medical injuries, relying on Congress's constitutional power to regulate interstate commerce. Nevertheless, although S. 1232 may seem to struggle to find nexuses for forcing individuals to accept new legal rights, the approach it adopts—deeming or requiring certain agreements to exist—nods helpfully in the direction of consumer choice as expressed in private contracts. Although the bill would prescribe some very important choices by law, its reliance in other respects on the contractual character of consumer/provider/payer relationships is, as noted earlier, one of its main strengths. Adoption by Congress of a direct preemptive approach, assuming its constitutionality, might easily undercut not merely federalism but the basically private, contractual character of much American health care.

III—MANDATING ALTERNATIVE DISPUTE RESOLUTION WHILE ALLOWING FLEXIBILITY IN ITS DESIGN

S. 1232 is a bold attempt to impose mandatory and binding ADR for the great majority of medical malpractice claims. But even though various procedural alternatives have been used in malpractice cases in the past, experience with binding ADR has been limited, and its utility is unproved. What then might justify the leap of faith in ADR that is inherent in the Domenici proposal?

A. The benefits of ADR

There are many reasons why binding ADR might be considered an improvement over the current method of resolving malpractice claims. For example, the high cost of litigation in the courts strongly suggests that substantial cost savings could be achieved by shortening hearings and otherwise simplifying the litigation process. Similarly, binding ADR should be capable of speeding the final resolution of claims—a great benefit to claimants—by avoiding bottlenecks that exist in many court systems and by obviating most appeals. Mandatory ADR administered by selected ADR providers should also be capable of yielding results that are more reliable and more predictable, especially with respect to the amount of damages, than decisions of lay juries. Greater predictability of outcomes would seem in turn to facilitate more and fairer settlements, although it is also possible that the lower costs and quicker results associated with ADR would actually cause more cases to be litigated. In any event, it seems to us that Congress could reasonably conclude that, whatever the actual results of mandatory binding ADR in terms of cost, speed, and quality of claims resolution, they will probably be preferable on average to the results now being obtained. it must be admitted, nevertheless,

that the Domenici proposal is based more on theory and instinct than on hard evidence—just as continued adherence to the jury system is justified primarily by tradition and the testimonials of trial lawyers.

Enthusiasm for mandatory binding ADR may also be justified by its potential for improving claimants' access to legal services and the legal system.[16] Lower litigation costs could well translate into lower contingent-fee rates for plaintiffs' lawyers and into a greater willingness of some lawyers to accept cases in which the potential award is not large. Although malpractice reform is often seen only as harming potential plaintiffs, an ADR system might prove more receptive to valid claims, bringing more cases of negligence to light than does the current system.[17] In addition, ADR services might advertise to attract claims and provide neutral experts, sparing claimants the cost of hiring their own expert witnesses. Even if the overall cost of medical liability would not decline under the Domenici bill, the public would almost certainly get better value for the money it spends and better protection against medical injuries.

An additional possible basis for sharing S. 1232's faith in mandatory ADR is belief in its strategy of creating a market for ADR services and affording competing ADR providers the power and flexibility they need to structure attractive programs. Although it might appear that such market exists already and that any benefits of ADR can be realized by its voluntary use, experience reveals impediments to its widespread voluntary adoption. There are only limited opportunities, mostly in health maintenance organizations, for patients and providers to enter into binding agreements concerning the handling of future disputes. Moreover, once a dispute has arisen, the number of adversarial interests involved in the case, particularly the individual interests and biases of the lawyers concerned, make it exceedingly difficult for the parties to reach an agreement to use ADR.[18] Thus, the current market for ADR is afflicted by high transaction costs and market failures that often prevent the parties from reaching efficient agreements. The Domenici bill would take the radical step of presuming or requiring the existence of agreements to use ADR while leaving the parties free to specify the particulars of the ADR scheme if they find the arbitration framework specified in the statute to be unsuitable. We see this strategy as having few downside risks and as offering many benefits to litigants and the health care system as a whole.

B. The benefits of a dynamic market for ADR services

Under S. 1232, covered malpractice disputes would be resolved pursuant to rules promulgated by freestanding dispute resolution services selected by the parties.[19] The bill's assumption that there will be a multiplicity of ADR providers operating in lieu of the monolithic court system is critical to understanding its potential impact. Prior proposals to use ADR in malpractice cases have either contemplated creation of a new adjudicative system under governmental auspices or specified in detail the arbitration procedures that must be used. The Domenici bill is distinctive in both tolerating a multiplicity of ADR services and allowing each service substantial freedom to develop and employ its own procedures.

Tolerating multiple providers may seem problematical in trading the existing court system, a know institutional commodity, for a collection of unknown entities. The growth of ADR in the past decade, however, has spawned a growing number of reputable private dispute resolution services. The existing pool of potential providers of ADR for malpractice cases and its potential for further growth should make the Domenici proposal feasible, particularly since the ADR requirement would apply only to health care provided, not claims filed, after its effective date (§8(a)). Nevertheless, many fledgling ADR organizations have little experience in handling malpractice claims, and too sudden an influx of demand might produce poor performance. Also, providers and consumers might rush into agreements with unproved ADR providers or with the few already established services, thus discouraging entry by new (especially nonprofit) organizations. Organizations with vested interests in the outcomes of malpractice cases—such as trial lawyers' organizations or state medical societies—might be quickest to organize ADR services, raising questions about their neutrality. For these reasons, the bill's effective date might be delayed somewhat longer than is contemplated.

To address concerns about the neutrality and competence of ADR providers—both during the development of a malpractice ADR industry and after an industry has had time to develop—the bill limits use to ADR providers certified by the Secretary of Health and Human Services.[20] The clear intention, however, is that the Secretary will certify as many services as meet the bill's relatively straightforward requirements (§§6(a)(2), (3)).

Under the certification requirements, an applicant must demonstrate expertise in administering ADR procedures, employ methods of selecting arbitrators that insure their neutrality, and disclose its funding sources. Taken collectively, these requirements represent an enlightened approach to the challenge of ensuring high-quality ADR services while also encouraging innovation and competition.[21]

Employing multiple ADR providers would make little difference if the bill mandated detailed ADR procedures. The bill's basic approach, however, is to describe a rudimentary arbitration procedure for use when the parties have not agreed upon an alternative. This "default mode" arbitration procedure is only a backstop, not a legislatively prescribed ideal. The bill's rules governing the arbitration are minimal, requiring only that ADR providers' rules give the parties (1) a period of discovery, (2) a right to a hearing conducted before a three-person arbitration panel "with expertise in medical injury disputes," and (3) a right to a written decision rendered within six months after the claim was filed (§6(a)(4)). (All rights are waivable or variable if the parties agree, of course.) The bill's spartan approach is unusual; other proposals to employ ADR methods have attempted to define a "better way" to resolve malpractice disputes by anticipating all procedural questions that might arise.

The outward simplicity of S. 1232 masks a sophisticated policy decision to foster competition among ADR services, broad flexibility in the design and use of ADR methods, and implementation of reforms by private contract. Several points deserve mention. First, although the bill requires use of a three-person arbitration panel in the absence of an agreement to employ a different model, it is notable for not prescribing the specific make-up of the panel. Other proposals would require, for example, that an ADR panel include a health care professional. S. 1232 would leave a certified ADR service quite free to structure panels and selection processes as it sees fit.

Second, the bill is notable in neither writing in nor excluding particular procedural reforms. Despite the obvious temptation to mandate currently fashionable procedural innovations, the bill would leave individual ADR providers unconstrained in many respects. Even in structuring the arbitration system to be used in default of an agreed-upon alternative, ADR services would have flexibility with respect to such matters as (1) selecting arbitrators; (2) assigning them to particular panels; (3) controlling the timing, amount, or type of discovery permitted; (4) requiring pre-hearing conferences; (5) using neutral expert witnesses; (6) prescribing the length of hearings; and (7) establishing evidentiary rules.

Another manifestation of the bill's receptivity to innovations is its unique requirement that an ADR provider demonstrate "an ability to advise parties to a dispute regarding alternatives to the basic dispute resolution approach and to carry out such alternative procedures" if the parties agree to their use (§6(a)(5)). Numerous consensual departures from the bill's default model of arbitration can be visualized. For example, requiring a panel of three arbitrators may add unnecessary expense in small-stakes cases or in cases involving only simple factual issues or a contest over the amount of damages. Parties also might agree to a shorter hearing than the ADR service's rules provide. In other cases, the parties could bifurcate the case and submit only one or more issues—liability, causation, or damages—to the arbitrators. The bill also clearly encourages ADR providers to advise the parties to consider such other ADR methods as mediation, nonbinding arbitration, early neutral evaluation, and summary jury trials, each one of which is available in a number of different formats.[22] Not only would the bill permit customizing procedures for particular disputes, but it would actively promote such options by specifically requiring the ADR provider to possess expertise in using them. These affirmative recognitions of the benefits of diversity in ADR are well calculated to achieve the goal of efficiency in resolving malpractice claims.

The Domenici bill provides a welcome contrast to other ADR proposals that have offered merely a substitute vision of how malpractice cases should be resolved. These earlier ADR proposals, rather than inviting innovation, have in fact been more restrictive than the current system, which allows litigants at least theoretical freedom to control much of the conduct of the litigation or to negotiate a method of ADR. The Domenici proposal reveals a clear and justified preference for giving ADR providers and their clients maximum flexibility in resolving claims.

IV—INVITING CONSENSUAL MODIFICATIONS OF LIABILITY RULES

Several other provisions in S. 1232 are equally consistent with the notion that consumers and providers of health services can safely exercise some choice with respect to their legal rights and obligations. These provisions contemplate and explicitly invite privately negotiated variations in the substantive standards by which liability is determined. Section 3 of the bill provides that liability on all claims subject to its terms would be governed by state law except insofar as (1) the Secretary of HHS provides otherwise by regulation for federally reimbursed care or (2) an organized health plan serving federally supported subscribers contracts with them to provide care meeting a different standard (§3(d)). A similar provision,

allowing the adoption of different standards for care rendered under tax-subsidized employee benefit plans, appears in section 4. Under both sections 3 and 4, however, any alternative test for liability that is adopted would have to fall within one of several specified general categories.

The optional types of tests that could be used under S. 1232 for determining the compensability of injuries have significant implications for overall health policy. Each represents a different way of reducing liability risks under prevailing tort doctrine in order to facilitate responsible economizing in the provision of health services. Under section 4 of the bill, for example, health plans of private employers would be authorized to "specify an alternative standard to govern care rendered under the plan."[23] Thus, the bill expressly confirms the contractual freedom of consumers, acting through private health plans, to elect a clearer, more cost-conscious, and possibly less demanding standard of care. Until this freedom is clearly recognized by the courts—as it generally is not today—consumers will be unable effectively to authorize physicians to depart from customary medical practice, which is the traditional benchmark for judging physician liability. Customary medical practice, in addition to being ill-defined and highly variable, has been shown to be scientifically or economically questionable in many instances. Thus, there are good reasons why consumers, physicians, and organized health plans might choose a different standard to govern liability for future medical injuries.[24]

Sections 3 and 4 of S. 1232 also authorize specification of the qualifications of expert witnesses who can testify as to whether the applicable standard of care was met in a given case (§3(d)(2)). This is a way in which the *de jure* standard of care might at least be made more predictable.

The Domenici bill further endorses private adoption of alternative liability tests by authorizing the incorporation by reference, in both public and private health plans, of practice guidelines certified by the Secretary of HHS (§3(d)(1)). Such guidelines are currently being developed by a wide variety of professional and research organizations as a way of strengthening scientific base of medical practice. The Secretary of HHS is charged in S. 1232 with certifying practice guidelines that appear to be objective and up to date and are supported by proper documentation including justifications of the choices made (§6(b)(1)). The Secretary is to certify, not a single, official set of guidelines,[25] but any guidelines that meet these general standards. If some of these guidelines take account of cost considerations—that is, tradeoffs between the marginal benefits and marginal costs of particular measures in particular circumstances—consumers will possess a whole new set of practical tools of making explicit, enforceable economizing choices in purchasing health services.[26] Under S. 1232, these tools could also be used to assure physicians that economizing in accordance with the contract would not expose them to tort liability.

S. 1232 authorizes still another type of voluntary reform of the medical malpractice system. Under its terms, both public and private health plans would be permitted to reject fault as the basis for liability and to substitute an arrangement by which certain injuries would be compensated automatically (§3(d)(3)). Such alternative methods of compensation must be certified by the Secretary, however. Certification criteria set forth in the bill seek to ensure that incentives to maintain the quality of care are preserved, presumably by requiring the premiums of provider-purchased insurance to be experience-rated to reflect the outcomes actually achieved (§6(b)(2)). The bill would also require that the financial protection given consumers be "at least comparable, on an actuarial basis, to the legal protections they would otherwise enjoy." A number of proposals for "no-fault" compensation systems have been made in recent years.[27] The Domenici bill is an invitation to the private sector to consider these options as replacements for the costly and dysfunctional legal system that now dictates patient/provider relationships.

The reason why the Domenici bill is so noteworthy for inviting contractual reforms of malpractice rights is that private contracts have not heretofore been commonly thought of as legitimate vehicles for altering legal rules in this area.[28] Yet virtually all Americans are troubled by the high cost of state-of-the-art health care and by the inability of many persons, including many employed persons, to obtain health care coverage at affordable prices. A major reason why good low-cost coverage is unavailable is the legal system's insistence on dictating a single standard to govern the health care of all citizens[29] and its ability to define a standard that reflects essential trade-offs and induces efficient medical practice. Consumers, on the other hand, have been unable to specify in contracts precisely what they do and do not wish to purchase from health care providers on a prepaid basis. In addition to the immense practical difficulty of spelling out patient entitlements and provider duties in enforceable terms (a problem that practice guidelines may overcome in time), private contracts have generally not been viewed as useful instruments of consumer choice. Instead, they have been seen primarily as vehicles by which powerful payers or providers can exploit consumer ignorance and deny desirable care. Enactment of the Domenici bill would go far toward legitimizing private economizing initiatives that courts are now too inclined to view with suspicion. A Congress that does not want to take upon itself the responsibility for rationing health care to the American people ought to view private contracts as a welcome means of empowering federally subsidized consumers to make some economizing choices for themselves.

V—CONCLUSION

We have written this article in order to call wider attention to S. 1232, which we view as a notable new entry in what has heretofore promised to be an unexciting race to use the influence of the federal government to reduce the burdens of medical malpractice law on both consumers and providers of health care. We have presented the bill primarily as an invitation to private health plans to broker contracts between providers and consumers that customize the procedures and substantive rules to be used in determining liability for medical injuries. Instead of being bound by law to accept costly procedural and substantive rights of doubtful value and inefficient standards of medical care borrowed from the medical profession and made mandatory under applicable state law, parties to various health care arrangements would receive under S. 1232 strong encouragement to elect to be governed by a legal regime of their own making. The various alternative procedures and substantive rights among which they might choose would be made credible by the oversight provided by the Secretary of HHS under general certification criteria supplied in the bill.

S. 1232 may be too innovative to be enacted in its present form. On the other hand, we see immense potential for combining its encouragement of private reform of poorly designed, cost-increasing malpractice rights with other federal proposals that seek to make good-quality health care accessible to all Americans at reasonable cost. Only if private economizing choices of the kind visualized here are facilitated and accepted by the legal system will the nation's future health care bill accurately reflect consumers' individual willingness, and the nation's collective ability, to pay.

APPENDIX

Sections 3 and 6 of S. 1232, 102d Cong., 1st Sess (1991)

SEC. 3. FEDERAL MEDICAL DISPUTE RESOLUTION PROGRAM.

(a) AGREEMENT TO PARTICIPATE.—Any person accepting or providing health care to be paid for, in whole or in part, directly or indirectly, with funds made available under the Social Security Act, the Public Health Service Act, or any other Federal Act shall be deemed to have agreed to participate in the Federal medical dispute resolution program established under this Act for the purpose of fairly and quickly resolving claims against health care providers for personal injury arising from care rendered under such Acts. Such agreement to participate shall be binding on any person making such a claim and shall be enforceable in any court of competent jurisdiction.

(b) MANDATORY RESOLUTION OF CLAIMS THROUGH CERTIFIED DISPUTE RESOLUTION SERVICE.—

(1) REQUIREMENT.—When an agreement is deemed to exist under subsection (a), any claim of the type referred to in that subsection that is not settled voluntarily by the parties thereto shall be resolved only through a dispute resolution service that has been certified under section 6.

(2) PROCEDURES.—A person having a claim of the type referred to in subsection (a) may initiate the procedures to resolve such claim through a dispute resolution service by—

(A) filing a claim with a dispute resolution service then appearing on the applicable list of such services maintained by the Secretary of Health and Human Services under section 6; and

(B) providing notice of such filing . . . to the provider or providers against whom the claim is made.

(3) AGREEMENT TO USE SPECIFIC SERVICE.—If the person filing a claim under this section and the provider against whom such claim is filed agree or have previously agreed to use a particular dispute resolution service to resolve such claim, the claim shall be filed with that service.

(4) CLAIMS AGAINST MORE THAN ONE PROVIDER.—If a claim is made against more than one provider, such providers shall have not more than 30 days to agree that the claim will be resolved by any dispute resolution service to which the claimant has agreed with any one of such providers.

(5) RESOLUTION.—Once properly filed, a claim under this section shall be resolved by the dispute resolution service selected, under procedures prescribed by such service. The decision of the dispute resolution service with respect to a claim under this section shall be final and not subject to further review by any court, except that a party to a dispute may obtain review of the decision on any of the following grounds in any court of competent jurisdiction in the State wherein the decision was made:

(A) The award was procured by corruption, fraud, or other undue means.

(B) There was evident partiality or corruption on the part of the arbiter.

(C) The arbiter was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any misbehavior by which the rights of any party were prejudiced.

(D) The arbiter exceeded its powers or so imperfectly executed them that a final and definite award upon the claim was not made. Where an award is vacated under this paragraph, the court shall direct that the matter shall be reheard by another arbiter under the procedures prescribed by the dispute resolution service.

(c) LIMITATIONS.—No claim of the type referred to in subsection (a) may be filed with a dispute resolution service after the expiration of any applicable time limitation as prescribed in State law, and in no event, except in the case of fraudulent concealment of relevant facts by the provider against whom the claim is made, may such a claim be brought in any forum more than 8 years after the date of the occurrence of the incident that gave rise to the claim.

(d) STANDARD FOR IMPOSING LIABILITY.—Liability for any claim that is subject to resolution under subsection (b) shall be determined under the standard of care prescribed under applicable State law, except that the Secretary of Health and Human Services may determine * * * and any organized health plan in which beneficiaries may voluntarily enroll may provide by contract, that—

(1) particular services shall be rendered in accordance with identified medical practice guidelines that have been certified pursuant to section 6(b), in which case such guidelines shall, to the extent applicable, be deemed to supply the standard of care to be employed in determining liability (the Secretary may determine that geographic or other factors affecting the availability of resources to meet health care needs may warrant some variation from an otherwise uniform standard supplied by such guidelines);

(2) any expert witnesses testifying as to whether the applicable standard of care was met must possess specified qualifications; or

(3) certain personal injuries and other losses resulting from specified services or procedures shall be compensated without regard to provider fault if such alternative method of compensation has been certified by the Secretary pursuant to section 6(b).

(e) DAMAGES.—When a claim that is subject to resolution under subsection (b) results in a finding of liability, the damages awarded to the claimant shall be determined and awarded as follows—

(1) awards for noneconomic damages shall be limited to $250,000 . . .;

(2) awards shall be reduced for any collateral source payments to which the patient is entitled for the medical injury for which the claim was filed;

(3) in the case of an award in excess of $100,000, claimants shall accept periodic payment of the amount of such awards that are intended to compensate the claimant for damages expected to be incurred in the future such as lost income and medical expenses; and

(4) an award for punitive damages shall not be paid to the claimant, but shall instead be paid to the State if the State has submitted a plan to the Secretary of Health and Human Services, and the Secretary has approved such a plan, to use such funds to improve the monitoring, disciplining, and educating of health care providers in the State to ensure they meet standards of competency.

(f) COSTS.—The party against whom a claim, that is subject to resolution under subsection (b), is substantially resolved (an issue to be expressly determined in resolving the dispute) shall pay the charges assessed by the dispute resolution service for resolving the claim (if any such charges are assessed), except that—

(1) any such charges payable by the claimant shall be paid in fact by the claimant's attorney if such attorney's fee for representing the claimant is contingent in whole or in part on achieving a successful outcome; and

(2) a claimant who is not represented by an attorney and who demonstrates an inability to pay such charges (according to criteria specified by the Secretary in regulations) shall be entitled to have liability for such charges (including any filing fees) waived by the dispute resolution service.

SEC. 6. CERTIFICATION.

(a) ALTERNATIVE DISPUTE RESOLUTION SERVICES.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations that establish the criteria and procedures by which the Secretary (or persons to whom the Secretary has delegated such authority) will determine whether or not to certify an alternative dispute resolution service, except that the Secretary may waive such criteria and procedures in certifying dispute resolution services sponsored by the State. The regulations shall include (but are not limited to) provisions requiring such services to—

(1) have procedures in place for providing to the Federal and State agencies responsible for monitoring or disciplining health care providers standardized information and data regarding evidence of medical injury and the causes of such injuries;

(2) maintain a roster of qualified and independent arbitrators willing to resolve medical injury disputes pursuant to the rules established by the service;

(3) demonstrate neutrality by disclosing funding sources and selection methods used for obtaining arbitrators in resolving medical injury disputes;

(4) demonstrate administrative expertise and an ability to conduct dispute resolution procedures that is consistent with a basic dispute resolution procedure which shall include—

(A) decisionmaking by a three person arbitration panel with expertise in medical injury disputes;

(B) a period to permit the discovery of evidence;

(C) the right to a hearing;

(D) the right to a decision not later than 6 months after the date on which the claim was filed; and

(E) the right to a written decision; and

(5) require administrative expertise and an ability to advise parties to a dispute regarding alternatives to the basic dispute resolution approach and to carry out such alternative procedures if all parties to a dispute agree to one of the alternative procedures.

(b) STANDARDS FOR IMPOSING LIABILITY.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations that—

(1) establish the criteria to be used for the certification of medical practice guidelines by the Secretary (or persons to whom the Secretary has delegated such authority), including criteria to ensure that such guidelines—

(A) reflect up-to-date scientific learning and the judgment of objective experts;

(B) are supported by proper documentation; and

(C) are accompanied by justifications for the standards established; and

(2) establish the criteria to be used for the certification by the Secretary (or persons to whom the Secretary has delegated such authority) of alternative methods of compensating personal injuries and other losses without regard to provider fault, including criteria to ensure that such alternative methods would—

(A) be administered fairly and efficiently;

(B) preserve incentives to maintain the quality of care; and

(C) generally give health care consumers financial protection that is at least comparable, on an actuarial basis, to the legal protections they would otherwise enjoy.

(c) OTHER REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate other regulations necessary to carry out this Act.

FOOTNOTES

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The authors discussed earlier drafts of the legislation analyzed in this commentary with Senator Domenici's staff during the drafting stage.

[1] See, for example, Health Care Liability Reform and Quality of Care Improvement Act of 1991, S. 1123, 102d Cong. 1st Sess (May 22, 1991) (proposal of the Bush administration, introduced by Sen. Orrin Hatch); Ensuring Access Through Medical Liability Reform Act of 1991, S. 489, 102d Cong. 1st Sess (February 26, 1991) (proposal of the American Medical Association, introduced by Sen. Orrin Hatch); Medical Malpractice Dispute Resolution Act of 1990, HR 4566, 101st Cong, 2d Sess (April 19, 1990) (introduced by Rep. Nancy Johnson).

[2] None of the bills cited in note 1 has a Democrat as a co-sponsor. Democrats' support of malpractice reform has been limited, partly because of their preference for more sweeping health care reform. Republicans, on the other hand, are content to proceed piecemeal, on the theory that lowering malpractice risks and costs can make both private coverage and expansions of public programs more affordable, thus addressing the problem of inadequate insurance coverage of the population.

[3] S. 1232, 102d Cong, 1st Sess (June 6, 1991). Senator Domenici's effort has been publicly endorsed by C. Everett Koop, M.D., former Surgeon General of the United States. See Pete V. Domenici & C. Everett Koop, *Sue the Doctor? There's a Better Way*, NY Times A25 (June 6, 1991).

Sections 3 and 6 of S. 1232 are set forth in the Appendix. These and other sections are cited parenthetically in this article. Section 4 of the bill is omitted because it so closely corresponds in structure and substance to section 3, while applying to a different category of malpractice cases. Unless otherwise indicated, cited subdivisions of section 3 have counterparts in section 4.

[4] Our general views on some of the topics discussed in this article appear in our respective individual contributions to this symposium. See Clark C. Havighurst, *Practice Guidelines as Legal Standards Governing Physician Liability*, 54 L & Contemp Probs 87 (Spring 1991): Thomas B. Metzloff, *Resolving Malpractice Disputes: Imaging the jury's Shadow*, 54 L & Contemp Probs 43 (Winter 1991).

[5] See generally Clark C. Havighurst, *The Professional Paradigm of Medical Care: Obstacle to Decentralization*, 30 Jurimetrics J 415 (1990).

[6] Congress might also wish that its payments to providers did not have to be adjusted to reflect geographic differences in malpractice climates. See Physician Payments Review Comm'n, *1 Annual Report to Congress* 71–89 (1991) (discussing adjustments

to physician fee schedule to reflect malpractice expense). Uniform legal rules do not necessarily yield uniform malpractice costs, however, because of other variables affecting the frequency and severity of claims.

[7] The Bush administration's bill (S. 1123, cited in note 1) would deny Medicaid payments to states that do not adopt its reforms. In addition to intruding upon state sovereignty, this method of achieving the federal purpose holds hostage the state's Medicaid beneficiaries, making them innocent pawns in a game in which they have little to gain.

[8] The apparent intention is not only to reach care covered by the Medicare and Medicaid programs but also to affect patient/provider relationships established in the Federal employees health benefits program, in facilities maintained for veterans, in federally supported community health centers, and under other Federal health care initiatives.

[9] The limited appeal rights specified in the bill (§3(b)(5)) are adapted from the Federal arbitration Act, 9 USC § 10 (1991).

[10] The bill specifies that anyone suing over an injury (including a subrogee or a spouse suing for loss of consortium) would be bound by the injured patient's supposed agreement to arbitrate the claim (§3(a)).

[11] In this connection, we would recommend inserting the following new paragraph in the subsection on damages (§3(e)):

(4) in a case where the claimant has previously settled voluntarily with a party who is jointly and severally liable for the injury, the damages for such injury awarded against a second party liable for the injury shall be apportioned according to the degree of that party's fault as expressly determined in resolving the dispute.

Because this provision would not abolish joint and several liability, a plaintiff would not have to sue every possible tortfeasor or establish the degree of responsibility of each negligent party. But neither could a plaintiff hope to settle with one party and then recover full damages, less the amount of the settlement, from other tortfeasors.

[12] We have not addressed the constitutional questions that might be raised concerning the bill, preferring to address the policy issues alone.

[13] Many tax experts would probably object in principle to using the tax code to accomplish such substantive policy objectives. Nevertheless, the bill's approach may accomplish two tactical objectives—highlighting the large federal tax subsidy to private health plans and obtaining a hearing before the Senate Finance Committee rather than the possibly less receptive Committee on Labor and Human Resources.

[14] See note 3.

[15] Letter from Mary Jane England, President, Washington Business Group on Health, to Senator Domenici, May 20, 1991 (copy on file with authors).

[16] A possible barrier to access by would-be claimants to a largely private ADR system is the cost of operating the system, which, unlike most costs of the judicial system, would not be borne publicly. S. 1232 would solve this problem in a unique and interesting way. While requiring the losing party to pay such costs, the bill would eliminate the potential access-limiting burden on unsuccessful claimants by requiring a losing claimant's attorney to pay them "if such attorney's fee for representing the claimant is contingent in whole or in part on achieving a successful outcome" (§3(f)). Thus, the risk of ADR costs associated with unsuccessful claims would be shared by all claimants and finally borne by the successful ones—in the same way that the legal costs of unsuccessful claims are shared through the contingent-free system.

[17] The bill finds that "as many as 15 out of 16 persons injured due to medical negligence never get compensation through the current medical malpractice system" (§2(a)(3)). Authority for this assertion is found in Harvard Medical Practice Study, *Patients, Doctors, and Lawyers: Medical Injury, Malpractice Litigation, and Patient Compensation in New York* 6 (Harvard U Press, 1990).

[18] See, for example, US Gen Acct'g Office, *Medical Malpractice: Few Claims Resolved Through Michigan's Voluntary Arbitration Program* (December 1990) (legislation to encourage voluntary binding arbitration produced only 247 actual arbitrations out of approximately 20,000 malpractice claims in thirteen years).

[19] Under the bill, a claimant may initiate a claim by filing it with any certified ADR service and by providing notice to the health care provider against whom the claim is being made (§3(b)(2)). If, however, there is an agreement to use a particular service, the claim must be filed with it (§3(b)(3)). Provision is also made for claims against multiple providers where there are inconsistent agreements on which ADR service to use (§3(b)(4)). Because the bill gives the claimant a free choice of ADR services in the absence of an agreement, it encourages providers to seek prior agreements designating a particular service.

[20] The bill does permit the Secretary to waive the certification criteria for state-sponsored ADR services (§6(a)).

[21] The bill also requires dispute resolution services to have procedures for providing governmental agencies responsible for disciplining health care providers with information "regarding evidence of medical injury and the causes of such injuries" (§6(a)(1)). Currently, that reporting function is performed by liability insurers. See Ilene D. Johnson, *Reports to the National Practitioner Data Bank*, 265 J Am Med Ass'n 407, 407–408 (January 16, 1991) (description of federal reporting requirements). It is unclear whether the bill's reporting requirement is meant to supplement or replace existing systems. Duplicative reporting should of course be avoided.

[22] See, for example, Metzloff, 54 L & Contemp Probs at 104–14 (cited in note 4).

[23] This option of specifying a clearer and possibly less demanding general standard of care would not, for some reasons, be granted to the Secretary of HHS, however. Nor could private health plans adopt it for federal beneficiaries or federal employees who voluntarily enroll. This is almost the only substantive difference between sections 3 and 4 of the bill.

[24] For a discussion of possible alternative formulations of the general standard of care that might be incorporated in private contracts as a way of escaping ill-defined and inappropriate standards that induce the practice of "defensive medicine," see Havighurst, *Altering the Applicable Standard of Care*, 49 L & Contemp. Probs 265, 267, 273 (Spring 1986) (suggesting "reasonable and prudent" practice as a test of possibly limiting liability to cases of "gross negligence," suitably defined).

[25] Although the Secretary may select a single set of guidelines to govern all care for which the federal government pays directly (§3(d)(1)), his certification of guidelines for possible use by organized health plans would not be so restrictive. Even with respect to guidelines selected for federal programs, exceptions may be authorized by the Secretary where "geographic or other factors affecting the availability of resources to meet health care needs may warrant some variation from an otherwise uniform standard" (id).

[26] For expositions of the notion that practice guidelines should be certified by government and used as tools for clarifying and perhaps modifying patient entitlements and provider and payer obligations, see Clark C. Havighurst, *Practice Guidelines for Medical Care: The Policy Rationale*, 34 St Louis LJ 777 (1990); Havighurst, 54 L & Contemp Probs 87 (cited in note 4).

[27] For example, Laurence R. Tancredi & Randall R. Bovbjerg, *Rethinking Responsibility for Patient Injury: Accelerated-Compensation Events, A Malpractice and Quality Reform Ripe for a Test*, 54 L & Contemp Probs 147 (Spring 1991).

[28] See generally Symposium, *Medical Malpractice: Can the Private Sector Find Relief?* 49 L & Contemp Probs 1, 143–320 (Spring 1986).

[29] See generally John A. Siciliano, *Wealth, Equity, and the Unitary Medical Malpractice Standard*, 77 Va L Rev 439 (1991).

Mr. DOMENICI. I thank the Chair. I yield the floor.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. DOMENICI. I am pleased to yield to my friend.

Mr. THURMOND. Mr. President, I commend the able Senator from New Mexico in bringing this matter before the Congress and the American people. I heard complaints all over, not only from my State and others, about some of these unreasonable verdicts. Not only have those verdicts increased the cost of insurance to doctors, but also the psychology, the fact they are getting such verdicts have frightened many doctors. That is why they do not want to practice.

I have talked to some young people. They are undecided whether to study medicine or something else because of these tremendous verdicts that are being obtained. I understand exactly what he is talking about. I think it is important that we take action in this matter. I hope the Congress will do so.

Mr. DOMENICI. I thank the Senator very much.

I yield the floor.

If you leave that open where they are not sure which one will apply the very high standard, you will not get out of this system the savings necessary.

Frankly I usually am for States rights and I close on this proposition. But, frankly, for medical malpractice I believe you have to set a national standard. I believe you have to tell all the States, as I do in this bill, if you want Federal money, Medicare, Medicaid, if you want to deduct for premiums for employees, and if employees want to deduct all of the benefits and not pay taxes on them, if you want health benefits under VA, all of those, you only get them under one condition, and that is that the State adopts this system of taking the rights out of court, putting them into arbitration and setting the caps. I think it is the best way to get it done, and there are other examples in my remaining remarks.

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

Under the previous order, the Senator from Minnesota [Mr. WELLSTONE] is now recognized for up to 15 minutes.

NATIONAL ENERGY POLICY

Mr. WELLSTONE. Mr. President, S. 1220 was introduced by my distinguished colleague from Louisiana on June 5. It is now October, and the majority leader has indicated that we in the Senate have had time to study this legislation, and perhaps in a few weeks we will be called upon to act on this bill.

Soon we will be engaged in a historic debate, and I say historic debate with no exaggeration. My colleagues should know that some Members of this body will object to any unanimous consent request to proceed to the consideration of S. 1220. We do not object simply to obstruct. We do so to promote a vital debate.

We seek a debate, Mr. President, in the United States highest deliberative body, the U.S. Senate about the direction of our Nation's energy policy. This should not be a debate about details, not about Federal energy regulatory policy, not about standards or about how you calculate the full cost of energy. This should be a debate, and it must be a debate, about priorities and direction. Such a debate, Mr. Presi-

dent, is proper, and it can only effectively be engaged by challenging the motion to proceed.

When the Senate begins this debate, I will be joining with several of my colleagues to express our current opposition to the current direction of our Nation's energy policy, a direction which S. 1220 simply continues, a direction which leaves for future generations serious problems which this legislation simply addresses in no substantive way.

The proposals before us in S. 1220 are serious proposals with enormous consequences for people's lives. Before we get into the specific discussions of these proposals, if we do, some basic questions about this legislation can and must be asked.

To what end do we propose to spend billions of taxpayers' dollars, to rewrite dozens of laws, to confer privileges on some and burdens on others? What are the problems we face? What are we trying to solve? What do we need to have a credible, workable national energy policy?

Mr. President, I believe there are two overarching problems which any legitimate national energy policy must address: The economic and the security problems facing our Nation due to declining fossil fuel resources, and the potential environmental catastrophe facing this Earth by global warming, warming which is caused primarily by the buildup of carbon dioxide in the atmosphere. These are the two most compelling national and international problems directly related to our energy use which we must confront as a Nation, and if we do not confront these problems as a Nation, we will imperil future generations.

In my own examination, S. 1220 does little to address either of these problems. As I pointed out to my colleagues in July, all 16 titles of S. 1220 will produce only 3 percent of the oil savings that would result if this bill had strong fuel efficiency standards as proposed in the legislation introduced by my colleague, Senator BRYAN from Nevada.

There is tremendous potential for energy efficiency and renewable resources in our country that have not been tapped. Such an effort would bring about a multitude of benefits for people in our country, for economic development, for small businesses, for communities, for employment, and the scientific community, over and over and over again, has expressed its support for these conclusions.

The American people want an energy policy based on maximizing efficient energy use. They want us to focus on conservation or save energy. They want us to aggressively expand renewable energy production. In one recent poll, 75 percent of the public expressed support for giving conservation and efficient energy use and renewable energy production top priority in a national energy policy. That is, 75 percent of the people in this country said they want to see that as a priority.

By contrast, far fewer agreed with the priorities reflected in S. 1220. Only 12 percent chose coal and oil, and even fewer picked nuclear energy.

There are those who consider S. 1220 a bad energy policy. I consider it to be a profoundly mistaken energy policy. It is no secret that I will oppose this bill. It is not what the country needs, and it is not what people in this country have said they want.

The Department of Energy reported to the Congress that during its nationwide hearings about energy policy, the public over and over again strongly supported conservation and renewables. Dozens—not dozens—hundreds of ideas were put forth by citizens about how to promote a positive new energy direction, but something happened to that energy policy when it returned to Washington, DC. This was not the direction proposed by the Department of Energy; it was not the direction proposed by the administration; and it is not the direction proposed by S. 1220.

Somehow, the energy choices that the people in this country wanted us to confront, somehow their guidance and their direction and their wisdom was left out when the ideological screening started to happen at the Department of Energy and then the White House.

Meanwhile, other proposals by well established, powerful, money energy interests rose to the top. As a result, instead of proposing to expand energy efficiency, instead of proposing to produce ethanol or tap vast wind power as a resource, the national energy strategy chose instead to promote building hundreds of new nuclear powerplants and sacrifice the Arctic National Wildlife Refuge for a few months of oil.

Mr. President, I say to you and I say to my colleagues that there should be no mystery about what happened to the national energy policy on the way to the Senate floor. Maybe we do not talk about it openly, but the plain truth is there for people to see. It is played out on a daily basis. What the people want was systematically dismantled, and in its place rose a new agenda, one which is dominated by powerful energy interests. That is a powerful indictment about the process here.

What people wanted—this is worth repeating—what people said to us they felt should be the direction for themselves, for their children, for their communities, their concern about the environment, their concern about national independence, their concern about domestically produced clean fuels, their concern about conservation—they are way ahead of us—was dismantled, and in its place rose a new agenda, one crafted by powerful energy interests.

According to the Washington Post, these interests have now even paid a public relations firm a few hundreds of thousands of dollars to get their bill to the floor. According to the Washington Post, they have paid a public relations firm a few hundreds of thousands of dollars to get their bill to the floor. Those of us on the other side do not have such resources, but we have the people on our side.

Mr. President, if the Senate proceeds to consider S. 1220—and I say "if"—there will be many votes. Members of the Senate will be asked to go on record in many ways about nuclear power, about ANWR, about synthetic fuels, about utility deregulation, about hydropower and a lot of other controversial topics. I, for one, believe there should be a clear record about the vote on every one of those issues.

But today I rise on the floor of the Senate not to call these issues to my colleagues' attention but, rather, to call to their attention what will likely be the first vote on S. 1220, and that is the vote on the motion to proceed. When that vote occurs on the motion to proceed, there should be no ambiguity in my colleagues' mind. This will be the vote on whether or not we drill for oil in ANWR. This will be the vote on whether or not we get serious about conservation and renewals. This will be the vote on whether or not we care about how we produce energy and how we distribute energy and how we protect our environment. This will be the vote that will be the referendum on the future direction of energy policy in the United States of America, from the Arctic National Wildlife Refuge, across the board. Do we continue the failed policies of the past decade? That is what this bill does. Do we give the energy interests their next installment from Uncle Sucker, to borrow a phrase from my eloquent colleague from the State of Arkansas, or do we take a different path?

Mr. President, neither this Senator nor the Senate acting as a body can be expected to fashion an energy policy. We rely upon the executive branch. We rely upon executive agencies like the Department of Energy. And we rely upon relevant committees like the Senate Energy Committee. So, if we desire a new energy policy, one that is respectful of the environment, if we desire a new policy that will make us economically strong, if we desire a new energy policy which will make us energy independent, then we must send a powerful signal. We must reject S. 1220 as a profoundly mistaken energy policy by voting against—by voting against—the motion to proceed.

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

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

Mr. DOLE. Mr. President, was my leader time reserved?

The PRESIDING OFFICER. The Chair advises the Republican leader that the leader's time has been reserved.

Mr. DOLE. Mr. President, I will just take a couple of minutes.

EXTENDED BENEFITS

Mr. DOLE. Mr. President, in the next couple of days, perhaps even tomorrow, the extended benefits legislation is going to be sent to the White House and the President is going to veto it.

There is no surprise here. The President has been saying he would veto this budget-busting legislation for the past month. In fact, my colleagues on the other side of the aisle want him to veto it so that they can say that President Bush is against extended benefits for unemployed Americans.

Well, the opposite is true. The President has repeatedly said that he would sign the Dole-Domenici-Roth-Danforth-Bond, et al, alternative, S. 1791.

I believe the American people have started to figure out that my colleagues, or some of my colleagues, on the other side of the aisle care more about politics than they do about getting extended benefit checks in the mail. And while they are worrying about 1992, unemployed Americans are worrying about how they are going to put food on the table tonight, tomorrow, the next day, and next week. Certainly the debate the last couple of months underscores that fact. The bill that is going to the President is worse than the bill Congress sent to the President in August.

The only changes made between the two versions were to violate the budget agreement by taking away the President's statutory authority to declare an emergency and to up the benefits adding another $400 million to the Federal deficit.

For some, what is another $400 million when you are already adding another $6 billion that future generations must be concerned about and generations of Americans to come will have to pay back?

Mr. President, it is now 33 days and counting, that is, 33 days since benefits could have started under the Dole-Domenici-Roth-Danforth-Bond proposal that the Senate rejected before the August recess. That is 33 days that those who have exhausted their benefits and who have not been able to find a job have needlessly had to wait. For what? So that some could play politics and some could have a showdown with the President of the United States.

We see a lot of charts around this place talking about how bad things are, but perhaps I should bring a very simple chart to the floor. It would be a calendar. Let us just bring a calendar to the floor and chalk off the days: 1, 2, 3, 4, and 5. How many more days must the unemployed wait before the other side of the aisle stops playing politics and sits down to work out a responsible piece of legislation to get extended checks to the unemployed?

Mr. President, I urge all of my colleagues to review the proposal that we have introduced. We pay for it. I know that may come as a shock to some, that we are going to spend money and pay for it, but I think the American people would like to see that for a change. It would not be a shock to some to charge it up, bust the budget. Who cares whether the deficit is $3 trillion, $4 trillion, $10 trillion?

We have a responsible package. It is fair, 6 weeks for everyone, 10 weeks for others. And if we should reach a point, if we want to extend that, if we can find another way to pay for it, we can add some additional weeks. So I think we ought to start on the positive side. The President said he would sign such a measure. I urge the President, when he receives the conference report, to send it back here within the hour, do not deny extended benefits 1 additional hour if he can help it, and then ask the Congress before we leave here next Tuesday to pass a bill. Send him a bill that he will sign.

I also want to thank my colleagues from Minnesota and Montana, Senators DURENBERGER and BURNS, for trying to bridge the gap by offering an alternative which provides 8 weeks and 15 weeks, more generous than the 6–10 week proposal, a little less generous than the Democratic proposal. And again, they pay for it. It is paid for, which should not be a detriment. It should not be said, well, that is too bad, you paid for it, it does not have any merit.

The American people I think say, that is America, you pay for it. We support it. So it seems to me that we have reached a point where we can continue to play games, continue to send a bill to the President which he will veto, and the veto is going to be sustained. We have 35 votes; we may have more. There is not going to be any change that I know of.

So I hope maybe even before the day is out, or the week is out, our colleagues on both sides, men and women of good will, can sit down and hammer out a package that we can send to the President and that he will sign, and benefits will start flowing.

That will happen as soon as my colleagues on the other side of the aisle realize that unemployed Americans want extended benefits, not political benefits.

I reserve the remainder of my time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will speak for just a moment and then my colleague from Colorado will enlighten all of us here.

THE NOMINATION OF CLARENCE THOMAS

Mr. SIMON. Mr. President, I want to take this opportunity simply to suggest that all the Members of the Senate ought to take this weekend time, those who have not had a chance to serve on the Judiciary Committee, to look carefully at the Clarence Thomas nomination.

One of the realities is that if we had voted in the Judiciary Committee before any of the testimony started, I think the vote would have been 11 to 3 or 12 to 2 for the nominee.

I, frankly, before reading the record, was inclined to vote for him. And then I read over 800 pages of documents, which my colleague from New York will appreciate, and then listened to the testimony, and then of course the net result was the 7-to-7 vote.

We are talking about something that will have a huge impact on the future of this Nation. Justice Thurgood Marshall is 83. Judge Thomas is 43.

I simply urge my colleagues who have not made up their minds, or even if they have declared one way or another, use this weekend time to read the record, to study the record. This is something of huge, huge import in terms of the future direction of this country.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I might proceed as if in morning business necessary.

The PRESIDING OFFICER. The Chair advises the Senator we are in morning business.

Mr. MOYNIHAN. Mr. President, as the Senate knows, the Federal surface transportation program expired at midnight on Monday. In a surprisingly short period we have begun to hear it said that the program has not merely lapsed, but rather that it has died. It has been suggested that the highway building era of the Eisenhower administration may now have gone the way of the dam-building era of the Hoover administration.

That could, in fact, be the case. That could be what comes about. It need not be. I would plead for a measure of good spirits and courage, but also candor. A whole sector of the public enterprise is at risk. This Senate, including the able distinguished leadership of the Presiding Officer, passed this legislation in June but the House, 91 to 7—an extraordinary measure, the largest transportation program ever, with the prin-

ciples of productivity, competitiveness, efficiency, accountability, cost accountability—and nothing has happened.

The highway lobby was convinced it could get more of what it has always got. So far now it has got nothing. I regret that the head of the Highway Users Federation has reduced himself to personal calumny concerning this Senator, who only thought to represent the views of the committee and of the Senate.

Mind, having finished the Interstate Highway System, there are calls for the Federal Government to get out of the highway business. It is said that with a $500 billion deficit, we need every red cent we can lay hold of. I am aware of Senators who think this.

There are also Senators who feel that the direction our transportation programs have taken in recent years has in fact done harm both to the Nation's economy and its environment. Some would well be content to see the present programs ended or sharply curtailed. Their point is that present practices already impose unacceptable costs just because they do what they do.

Even so, I plead for patience and even a measure of tolerance. It is not clear that we can get a Surface Transportation Act this session of Congress. If we do not, however, everything is up for grabs, including the highway trust fund.

There are probably those in what is called, I am sorry to say, the highway lobby who think the highway trust fund is safe.

Think again. Already 2½ cents per gallon of the Federal gasoline tax is dedicated to deficit reduction. We may never see that money again. Why not the remaining 11½ cents?

Think, too, of the Social Security trust fund. The highway trust fund is important. But the Social Security trust fund is sacred. It is made up of the retirement savings of American working men and women. Every penny in that Social Security trust fund has someone's name on it. Yet we are at this very moment spending that trust fund on everything from B-2 bombers to savings and loans. Clearly unauthorized uses. Just as clearly, uses agreed to by the Congress and the President in the budget agreement hammered out at Andrews Air Force Base and brought to the floor a year ago this month.

Cannot happen you say? It sure can happen. I think with great fondness of the last time my dear friend Senator John Heinz and I were together on the "NBC Today Show"—January 22, 1990. This issue arose. Deborah Norville asked us about the use of Social Security trust fund money for other than retirement benefits. I responded:

Senator MOYNIHAN. We are using that trust fund as if it were general revenue. And my friend John Heinz and others have been insisting that this misrepresents the facts of the budget, but also, as I put it, the term "thievery."

Senator Heinz demurred. He did not think that "thievery" was quite right.

Senator HEINZ. I would use a slightly different word than Pat. He uses "thievery." I would call it "embezzlement."

Ms. NORVILLE. Either way it's illegal.

Senator HEINZ. Either way, it's something that's illegal, that should be stopped.

We are embezzling retirement funds, Mr. President. Let no one suppose we are incapable of embezzling something as mundane as a gasoline tax.

We ought not. We need not. But time is running out. The Senate passed a bill more than 3 months ago, and the response from the highway lobby was derisory. It was not funny then. It is not funny now. We may all regret the folly of the summer of 1991.

I should be clear that these programs have expired in spite of the best efforts of the Senate. We began work in 1987, when I served as floor manager of the surface transportation bill of that year and chairman of the committee of conference. I observed then on the Senate floor that our bill was to be the last one of the interstate era:

After this 5-year bill, the highway program will undergo significant reform. We are about to enter a new era. The system is built. We finished the highway structure in this country, much as the day came when the railroads were built and the airline routes * * * were completed, and we would go onto other things.* * *

I did not expect it then, but it may be that the 1987 bill will be not just the last highway bill of the interstate era, but the last such bill ever.

This year, the Committee on Environment and Public Works began holding hearings in February. The bill we reported is not a modest reauthorization of current law. Our first Secretary of Transportation, the Honorable Alan S. Boyd, testified that the Surface Transportation Efficiency Act of 1991 was breakthrough legislation. It is a new vision for surface transportation in the postinterstate era. The vote in committee was 15 to 1. In the Senate, it was 91 to 7.

Our distinguished colleague Senator BAUCUS said it very well on Monday:

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.

He went on to say:

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 * * * I commend the leadership of the Environment and Public Works Committee for a job well done. And I urge them to stay the course.

More than 3 months after the Senate acted, there is no certain prospect as to when the House will act. New spending has ceased, and the States will soon exhaust their limited supply of outstanding contract authority. In the mean while, Federal road and transit programs have been plagued by what I have termed "public sector disease." The principal symptom is a near zero rate of productivity growth in the transportation sector. The Chairman of the President's Council of Economic Advisers, Dr. Michael Boskin, has told us that productivity in the transportation sector broadly defined grew at a rate of 0.2 percent per year in the past 10 years. This takes 350 years to double.

Thus, just as we are completing the largest public works program in the history of the world, the Interstate Highway System, the conventional wisdom seems to be that our infrastructure is crumbling. A full page advertisement in Roll Call on September 12 purchased by the Coalition for an Efficient National Transportation System sums it up:

After two decades of disinvestment, America's network of highways, bridges, and transit is failing.

This seems a paradox. How, after spending $128 billion to build the Interstate System, can it be crumbling? This is so far one reason: free goods are inevitably wasted. The States were given Federal money to build the interstates at a 90-10 ratio—that is, 90 cents of Federal money for every 10 cents of their own. In some States the ratio was 95-5. For a nickel, you got 95 cents. Who cared how long the road lasted as long as the money kept coming.

The Surface Transportation Efficiency Act of 1991 (S. 1204) proposes to address this imbalance by introducing the ideas of productivity and cost-effectiveness into transportation planning. We will begin to think about using scarce resources more efficiently. Those who do will prosper. Those who do not will not.

There is nothing in the Constitution that requires there to be a Federal highway program. Nor that we continue what Prof. John Kain of Harvard University has called a mindless, massive program of new construction. No bill may be preferable to a bad bill. Many of the parties with an interest in this legislation have failed to heed our message. Just possibly they will now do.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

ORDER OF PROCEDURE

Mr. WIRTH. Mr. President, I ask unanimous consent that morning business be extended until 11:30.

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

Under the previous order the Senator from Colorado [Mr. WIRTH] is now recognized for up to 15 minutes.

Mr. WIRTH. Mr. President, I ask unanimous consent that time be extended to 22 minutes.

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

Mr. WIRTH. I thank the distinguished presiding officer.

ISSUES OF NATURAL RESOURCES, ENERGY AND THE ENVIRONMENT

Mr. WIRTH. Mr. President, Friday night President Bush delivered to the Nation what I thought was a very forward looking address on arms control, U.S. military policy and the cold war. I found myself, night before last, on a television program called "Crossfire," defending the President of the United States' position. And one of my colleagues from the other side and a reporter were going after the President.

I thoroughly enjoyed that. This was the President saying the cold war is over, it is time for us to change our ways, and we are changing our ways.

We are changing the approach. We are recognizing the fact that the cold war is over. We are going to change our expenditure pattern. We are going to change the pattern by which we use nuclear weapons or employ nuclear weapons. We are beginning, clearly, a very sharp builddown of our defense expenditures and, Mr. President, we are leaving the door open for a very significant set of other investments, investments which I believe everybody in this country knows that we have to make.

But while the administration is promoting this very future-oriented arms control policy, unfortunately it is still—on issues of natural resources, energy and the environment—hopelessly tied to policies of the past.

I want to address those for a few minutes this morning, Mr. President, with special reference to the energy legislation which will soon be brought before the Senate.

First, before getting to energy, let me give another example of what I believe is backward-looking policy. That is U.S. forest policy. The American public is rapidly coming to understand that the policies we are pursuing on our national forests are not only bankrupt in terms of the Treasury, bankrupt in terms of the flow of funds, bankrupt in terms of the environment, but are an insult to anybody who has a sense of where the country ought to go.

That has just come to a head most notably on the issues related to the spotted owl. Secretary Lujan has called for the so-called God committee to consider overruling the Endangered Species Act on the grounds that the spotted owl status is damaging the economy of the Northwest.

What he ought to be doing is convening a committee to understand why, in fact, we are stripping off the mountains of the Northwest the way that we are, and why in fact we are allowing taxpayer money to continue to subsidize the timber industry. He ought to be asking why we allow timbering to occur where forests are never going to grow back, on slopes that are absolutely inappropriate to be timbered. You can go out there and look at this, Mr. President, as I have, and see what is going on.

The God committee convened by the Secretary on the Endangered Species Act I believe would be horrified if they could look at the erosion that occurs in the Pacific Northwest, in my State of Colorado and elsewhere where we are allowing timbering on these steep and unstable slopes. That is what the God committee ought to be doing.

The real issue in the Pacific Northwest is not the spotted owl. It is that we have been cutting trees a lot faster than we can grow them, and we are running out of timber. Owl or no owl, the supply of timber from these forests will simply stop in a decade or two at the most. That we are running out of trees in the Northwest is inevitable. It does not hinge, as changes in the Soviet Union do, on the events of the day. It is coming because of our policies on how we should use our forests, and anyone looking forward can see it plain as day.

The real question is not the spotted owl getting in the way of timber. The issue is how we get the most out of a smaller harvest of timber and how we help the Northwest make a transition to a future which is going to be more different and perhaps more difficult than the past.

Blaming the spotted owl is a backward-looking policy focused on the impossible task of providing more timber than the forest can provide. To ask the forests to provide more timber than they can grow only hurries up the day of reckoning when we run out of places to log in that region.

Worse, that policy threatens to do untold damage to sport fisheries, recreational activities, and environmental values, resources which are growing in importance to this country and to the local economies of communities in the Northwest and the Rocky Mountain region, and elsewhere in our country.

In the 1980's, the Forest Service doubled the amount of timber it cut in the Pacific Northwest; yet, the region lost 26,000 jobs in the timber industry. The timber industry turns around and says that is the fault of the spotted owl. We cut more timber, but the number of jobs decline. How can that be the fault of the spotted owl? It is the inevitable trend of automation, of running out of timber, and of changes in the industry. Is that the fault of the spotted owl; that is a preposterous conclusion.

Despite the reality of the limits to logging, we continue to export raw logs from this region unprocessed, to Japan. We export huge volumes of cants to Japan, and the only thing we do to add value to cants is cutting the sides off of the logs. It is illegal to export whole logs, so we cut the sides off and they go off to Japan. What do the Japanese do? They mill the timber, add the value, and send it back to us. That is a crazy economic policy.

What we ought to be doing is reorganizing the way in which we look at the timber industry in the Northwest, so these logs go to American sawmills, and American plywood plants, and American milling operations, and American manufacturers. So that the value is added in this country. That is where the jobs are; that is where the economic value is.

We ought to be abandoning our colonial mentality. We are acting as a colony to Japan. They add the value and send it back to us. What kind of a policy is that? The industry's problems are not the fault of the spotted owl, Mr. President. They are the fault of a timber industry operating with the Government in a way that is absolutely shortsighted and looking in the rear-view mirror.

Similarly, Mr. President, this administration is locked into the past on energy strategy. Soon, the Senate is going to be considering national energy policy legislation that closely parallels the President's energy proposal. Unfortunately, the central item in that package, from the perspective of the administration and some of the authors of this legislation, is the opening of the Arctic National Wildlife Refuge for oil development. The administration has threatened that they are going to veto any energy bill that does not open the Arctic National Wildlife Refuge to the oil companies. The sponsors of the legislation have spent untold hours lobbying on this issue, and describe it as the key piece of the legislation, the one piece it must have.

That is also an example of policy looking backward. And it is as if we were driving along looking into the rear-view mirror, not ahead, at what is inevitably happening.

Is it so important to drill in the Arctic National Wildlife Refuge because the oil that may be found will be a major contributor to our national security? That argument is made, but nothing could be further from the truth.

In the first place, no one knows if there is oil there. The odds of getting no oil from the Arctic National Wildlife Refuge are greater than the odds of getting any. Initially, the estimates were that there was a 23-percent chance of getting oil there. That has now been jimmied up to 46 percent.

But even if we found a supergiant oil field there, it would not make a dent in the balance of oil power around the world. Mr. President, I will illustrate the balance of oil power around the world, and where the Arctic fits in. It can barely be seen. These are the re-

serves in the Middle East—660 billion barrels of oil. U.S. reserves are 26.5 billion barrels, here in the yellow; and here are the optimistic projections for the Arctic—an additional 3.2 billion barrels—a tiny little sliver of blue.

The argument cannot be made, Mr. President, that this potential optimistic projection for the Arctic is going to put us in a strategically more focused and more leveraged situation. Also, Mr. President, if we believe that we can produce our way beyond the ability of Middle Eastern monarchs to run the world oil market, this chart should make it very clear that there is no way in the world that we can do that. We simply do not have the reserves to do it.

The President's own national energy strategy points that out. His own strategy points out very clearly that, at the end of all of the drilling that he suggests we do in the Arctic, and all the other measures suggested to be taken, we are going to be more dependent on imported oil at the end of it than we are today. We are going to be importing more oil at the end of the President's national energy strategy than we are today. Certainly, that is not, at least for any rational analyst, way to reach energy security.

If we continue to keep our focus on oil, if the Arctic is to be as the administration claims, our answer, we are going to be dependent on the Middle East.

Is opening the Arctic Refuge so important because we have no policy alternatives? Hardly. The truth is that we have lots of alternatives to drilling in the Arctic refuge. The administration's own figures show that the potential for increasing U.S. production through further research and promotion of enhanced oil recovery at existing fields dwarfs the contribution that the Arctic might make, if there is oil there at all.

Let me show a second chart. This is from the administration's own data. If we were to make no changes at all, this bottom line is what would happen to U.S. domestic oil production. Notice the very tiny sliver for the Arctic. It is this tiny area in here which everybody says is the crucial area for a U.S. energy policy. That is hardly much of a contribution whatsoever.

A much more rational approach is advanced oil recovery potential, which is a major piece here, and then increasing our use of natural gas. This line—the potential for increasing our use of national gas in the place of oil—as we all know, can go up very significantly, if we followed enlightened policies designed to pull demand for natural gas. And we can supply ourselves to meet that demand, because we have an enormous amount of natural gas in the country.

So if we just followed advanced oil recovery, and increased use of natural gas that would dwarf the Arctic National Wildlife Refuge potential and, yet we are balancing a whole energy policy around this tiny sliver. It does not work out.

But the truth is, further, that our power to effect the world oil situation is not as a supplier, but as a consumer. We have only 2.6 percent of the oil reserves, but we use 27 percent of the world's oil production. So where do you think our leverage is? Where will it be in the future, if we continue our current path of consuming even more of the world's oil?

This chart shows the administration's own line on what is going to happen with oil imports, following current policy. We become more and more dependent on imported oil. If there is one imperative in an energy policy, it is that we have to turn away, long term, from oil.

It is to create a future in which we use less oil, by using oil efficiently and by replacing oil with other fuels, such as natural gas. Again, the administration's own figures show that increasing our use of natural gas has more potential to replace oil imports than the Arctic National Wildlife Refuge.

We have the technology today to use natural gas in our cars. My own jeep in Colorado runs on compressed natural gas. We can do that for millions of cars and trucks if we develop a distribution network for natural gas. We also have a tremendous opportunity to put domestically produced ethanol and methanol to work in the economy to replace the gasoline which accounts for nearly half the oil we use.

Finally, and importantly, we need to pursue energy efficiency, the one approach to this problem that has worked in the past. If we do not, our oil consumption will outpace the Saudi's ability to fill it, let alone our own.

The next two charts illustrate clearly what we can do, and how much room there is for us to improve in the area of energy efficiency.

This chart shows the relative efficiency of the economies of Switzerland, Japan, France, West Germany, United States, and Canada. The Swiss use energy 3 times as efficiently as we do—3 times as efficiently; the Japanese 2½ times as efficiently as we do; even the French are almost twice as efficient as we are; the West Germans 50 percent more efficient. Here is where there is enormous room for us in the United States to establish a reasonable energy policy.

The long-term potential of energy efficiency is so great. The point of this next chart is that cost-effective energy efficiency measures could hold our energy consumption virtually constant through the year 2010.

This chart, showing us holding our energy consumption to today's levels while our economy grows, uses the administration's own best estimates of what can be done with energy efficiency, which I put in the energy bill which I introduced early this year.

The Arctic National Wildlife Refuge is no panacea; it is no silver bullet. It provides a tiny little bit of oil. An energy strategy that is centered on alternatives to oil such as natural gas and other alternative fuels, and on energy efficiency is what we should be focused on. That would be good energy policy, good economic policy, and good environmental policy.

Drilling in the Arctic National Wildlife Refuge is none of those. It is not good energy policy, it is not good economic policy, and it is not good environmental policy. Do we need to open the Arctic National Wildlife Refuge because this will be a gold mine for the Treasury? Who will make the money if oil is found? The original argument was made that this was going to be a bonanza for Treasury and would finance all kinds of U.S. energy activities. But that is really not the case.

The facts are that S. 1220 would allow the State of Alaska to claim 90 percent of the royalties from the Arctic National Wildlife Refuge.

Let us look at where the money goes. If oil is found and if it is produced which will depend on the price, there might be as much as $100 billion worth of oil there. But who would get it?

Originally, the legislation provided that there was to be a 50–50 split in royalties between Alaska and the United States. The royalties are about 12½ percent of the oil to be discovered. Assuming we get about 108 billion dollars' worth of oil at $30 a barrel out of the Arctic National Wildlife Refuge, the total of the royalty payments would be $13.35 billion.

The original argument was that $13.35 billion was going to be used to fund alternative energy programs, conservation programs, research, and so on. Is that the case? Not the case. That under the original legislation that was going to be split half to the Treasury and half to Alaska. If Alaska, which maintains that its Statehood Act entitles it to 90 percent of those royalties, sued for more than their 50 percent share, then the whole deal was off. That was the original legislation, to make sure that the taxpayer got at least almost $7 billion out of this. But under the current legislation, if Alaska sues—which they said they are going to do—most of the money that is supposed to come to the Treasury is going to be escrowed and the American taxpayer gets a total of $1.3 billion out of $108 billion value.

The argument was made that is a great windfall to the taxpayer, a great windfall to energy research and development. Simply not the case.

The American taxpayers might get out of this about the equivalent of 1½ B–2 bombers. If the United States wins the lawsuit, that will go up a little bit

more, but that is going to be years and years and years in coming.

Obviously, $1.3 billion is not a pittance. That is a lot money. The money is strung out over a 30-year period—so that it averages perhaps $40 million a year, starting in 2010. But let us look at what happens to the rest of this money. Where is the rest of this going?

We are going to see, if we follow the pattern of profits that have come out of Prudhoe Bay, the oil companies, making $6 a barrel after tax. That means the profit to a handful of major oil companies is going to be $21.6 billion.

That is what this is all about, Mr. President. That is why the American Petroleum Institute has reached out and put the arm on every single energy producer in the country. That is why this enormous effort is going on to open up the Artic refuge. That is why these companies have unleashed every bit of lobbying effort they possibly could to open up the Artic, and made this footnote to our energy security the be-all and end-all of this bill.

As the previous chart shows, it has nothing to do with the amount of oil we are going to get. We cannot get energy independence out of the Arctic. There are many, many other ways in which we can. The reason for opening the Artic is not our national security, energy independence or anything like it. These charts are absolutely clear why this proposal has such importance: Because there is a chance of an enormous windfall coming to a few oil companies. That is what this is all about, not national energy policy.

If I might, Mr. President, let me take a few minutes to talk about what the resources are that are at risk.

I ask unanimous consent to extend the remarks for an additional 5 minutes beyond the earlier agreement.

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

Mr. WIRTH. Mr. President, I've talked about the fallacies inherent in many of the arguments given about why we should drill in the Arctic refuge. I now want to talk about some of the reasons we shouldn't drill. Last July I went up to Alaska to see this area for myself. When you land at Dead Horse Airport at the Prudhoe Bay oil field, you see an enormous complex, an impressive $40 billion industrial site, a marvel of man's technical powers, totally misplaced. In the Arctic in the summer the haze never goes away. The footprint on the landscape, advertised as being small, has all the delicacy of dinosaur tracks. An indication of that is that the birth rate of the small local caribou herd is dropping ominously. And the product of Prudhoe, of course, is sent out for shipment on thousands of more *Exxon Valdez*'s.

I contrast this with the caribou we found herding up and leading back to Canada, the huge, migratory porcupine caribou herd, which was heading back to Canada after calving on the refuge. Larry McMurtrie and the characters of Lonesome Dove, lonesome for the departed buffalo, would eat their hearts out as more than 100,000 head of caribou swept around us no farther away than from that wall over there, hour after hour. I contrast the throb of the generators with the sounds of the water of the Hulahula River on the refuge, as we rafted through rock gardens and dens of Arctic wolves. There were grizzly bear running rapidly up the other side of the stream, looking around less menacingly at me than at the two cubs that sometimes did not follow along quite fast enough.

The Arctic National Wildlife Refuge is a huge, imposing wild, productive, pristine, and threatened last great wilderness. If we ruin that place, for a 200-day extension of our reliance on oil, how can we say to the Brazilians that they should stop tearing down the Amazon? And how can we take the moral high ground on any international natural resource issues? If we, in the United States, insist on business as usual, how can we assume the leadership that the world asks of us on the global environmental challenges we face? How will we be able to deal with the very real energy problems caused by our dependence on oil?

How can we say to our children that we are serious stewards of our land or rest secured that future generations will have the same wonderful opportunities for this beautiful Earth?

Mr. President, the battle for the Arctic reaches much beyond the Arctic Circle, far beyond Dead Horse or Sitka, far beyond BP or EPA. The decision on the Arctic refuge is extremely significant and important. It is a metaphor for our attitude in the United States, for our policy in the United States, for the leadership which we ought to be exercising around the world and which the world asks of us. If we decide the oil is worth risking these environmental values and our commitments to them, what we will be doing is sending a message to the world that we will sacrifice anything for more oil. And that is a policy of desperation and blind inertia not of national strength. It is also a policy that the Saudis, the Iraqis, and the Iranians are going to love to hear because they are banking on our having just such a policy—oil at at any price.

That is, Mr. President, a view of energy policy that, as I hope I have explained, ignores the fact, is mired in the past and presents a view of energy policy that is extremely damaging to our future.

Yet the administration continues to tell us that the opening of the Arctic National Wildlife Refuge is indispensable to our energy policy. The administration has threatened to veto any bill that does not include a big opening for the Arctic National Wildlife Refuge. The gauntlet has been thrown down.

The statements, Mr. President, have changed this bill from a potential vehicle for building an energy policy for this country that could be very progressive, that could be very far-reaching, that could be exactly the kind of leadership the United States ought to be doing, both for our own people, and for peoples around the world. It has changed energy policy legislation from that wonderful opportunity, Mr. President, to simply a vehicle for developing the Arctic National Wildlife Refuge.

That argument is made over and over and over again, for reasons that have no foundation other than a lot of money going into a few hands, that this is a policy that we cannot have without opening up the Arctic refuge. That is a policy which simply points us backward.

Mr. President, I do not have to remind you that I have spent hundreds and hundreds of hours on energy policy and hundreds and hundreds of hours trying to perfect S. 1220, the bill which will be coming to the Senate. I think that legislation has many good things in it, and many good things that I spent a great deal of time working on—conservation, emphasis on using natural gas, and requiring the use of alternative-fueled vehicles, improving energy efficiency. All of these issues, Mr. President, are in that legislation. And I would remind you, Mr. President, that all of those issues, if brought independently to the Senate floor, would pass the Senate, would pass the Congress by a very large margin.

Every one of those measures, every one of the research proposals, every one of the means to promote alternatives to oil, every one of the conservation proposals, if brought to the Senate floor, could be passed with very large margins. And yet we are bogged down because of one issue: the Arctic National Wildlife Refuge. That just does not make any sense.

We are being held hostage, the country is being held hostage, the Senate is being held hostage, our future is being held hostage to the opening up of the Arctic refuge, a policy that points us in just the wrong direction.

We get to a point in this institution, Mr. President, where we must learn to use the rules. And I will cite a parallel to where we are today.

President Bush, in June 1989, proposed in the White House a very progressive Clean Air Act. It was a very positive proposal. That legislation was considered at length by the Environment Committee, was strengthened, and was reported by that committee.

We were ready to come to the Senate floor with what I thought was a very enlightened and progressive clean air bill. It got stopped. The distinguished

Republican leader and others threatened a filibuster on the Clean Air Act, because they disagreed with it. They did that to force the Clean Air Act to go back into the smoke-filled rooms, which it did. And when the Clean Air Act went back in there, what happened? The Clean Air Act got smokey as well. The Clean Air Act got watered down.

It ultimately got passed, but not in anything like the form of the original design, as reported by committee.

The opponents of the Clean Air Act used the rules of the Senate. That was their right. I have no alternative, Mr. President, but to try to do the same sort of thing.

There are those of us who feel very strongly about the Arctic National Wildlife Refuge, both in itself and again, as I have said, as a metaphor for what energy policy ought to be, as a metaphor for the kind of leadership we need in this area.

So, Mr. President, following the example that was set by the Republican leader before, following the rules of the U.S. Senate, I think we have no choice but to use the same procedures of the Senate and do everything that we can to answer the threats of the administration, and to knock the opening of the Arctic National Wildlife Refuge to the oil companies out of this bill. That will be the first battle that we face, and I hope that we are victorious.

I hope that in fact we are victorious in stopping consideration until we are allowed to then go back and say, let us take these issues one at a time, let us look at them, take them one at a time. Let us not let ourselves be steamrolled by threats of what must be in this bill. Many positive and progressive measures on energy, Mr. President, could be passed here on the floor of the U.S. Senate. If we brought them up on their own, on their merits. I would hope that that is what we end up doing.

NEED FOR A MORE BIPARTISAN FOREIGN POLICY

Mr. LIEBERMAN. Mr. President, I would like to bring to the attention of my colleagues a fine article that has been written in the Washington Quarterly on the need for a bipartisan foreign policy, by Mr. Jay Winik, a senior research fellow at the National Defense University. Mr. Winik, a Yale graduate and a native of Connecticut, argues that a bipartisan foreign policy is needed now more than ever, given the threat of weapons of mass destruction. One does not have to accept all his points to agree that we should be seeking to create such a consensus between both political parties in the years ahead. I commend this fine article to the reading of my colleagues.

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

[From the Washington Quarterly, Autumn 1991]

THE QUEST FOR BIPARTISANSHIP: A NEW BEGINNING FOR A NEW WORLD ORDER

(By Jay Winik)

With the collapse of the Cold War as we have known it and the assumption by the United States of a leading role in forging a successful coalition to undo Saddam Hussein's invasion of Kuwait, a great debate is quietly—but still only quietly—beginning. President George Bush has introduced it in calling for a "new world order." But the debate really concerns something far more fundamental and, indeed, quintessentially American. Put simply, it is this: What ought to be the nature of U.S. participation in the world arena? This is a far from theoretical question, and the answer will dictate whether the United States will adhere to the internationalists tradition of actively playing a role in constructing a freer, more democratic and stable international system, or conversely, will return to neo-isolationism and focus almost exclusively on economic and social problems at home.[1]

At the very core of the debate, however, lies an even more fundamental issue. Can the spirit and practice of bipartisanship that enabled this country to lead the Western democracies with coherence and unity of purpose for four decades be recaptured? If not, and if the continuing breakdown of bipartisanship goes on unchecked, the creative U.S. international achievements that have culminated in the demise of the Soviet empire may well be sacrificed. Equally important, the opportunities available not just to end the Cold War but to win the peace may be squandered at this remarkable, perhaps even defining, point in world history.

Indeed, it can be argued that the need for a sense of rededication of effort is not less urgent today than when the wise men of both political parties assembled with a sense of dire urgency in the aftermath of World War II to create a bipartisan foreign policy and rally the nation behind the burdens of global leadership. It is true that there is scarcely a U.S. policymaker or legislator who does not pay lip service to or believe that the restoration of bipartisanship is a priority. Yet for all this sentiment, success in forging bipartisanship in all likelihood will be far more elusive than it was in the wake of the world war, when the fate of the industrialized democracies literally hung in the balance. This point has largely been overlooked by policy analysts or drowned out by the din of world events in the last year.

It is crucial, then, to understand the nature of the domestic divisions—the breakdown of executive-legislative relations, the philosophical chasm between the two political parties, and the absence of firm political leadership—that are fracturing the country and have reduced bipartisanship to the lowest common denominator. Only then can the United States move on to create a bipartisan policy that will enable it to provide the leadership and purpose made necessary by the opportunities and pitfalls that lie ahead on the international scene.

The U.S. stake in speaking and acting with one voice is enormous. Two former secretaries of state, themselves of different political parties and holding different political ideologies, have warned:

"The American national purpose must at some point be fixed. If it is redefined—or even subject to redefinition—with every change in Administration in Washington, the United States risks becoming a factor of inconstancy in the world. * * * Other nations—friend or adversary—unable to gear their policies to American steadiness will go their own way, dooming the United States to growing irrelevancy.[2]"

Footnotes at end at article.

THE NEED FOR BIPARTISANSHIP IN THE NEW WORLD ORDER

The urgent need for creating a new bipartisanship is also an acknowledgment of the changed international system. In the early 1950s, the United States produced 52 percent of the world's gross national product. It enjoyed a nuclear monopoly and was without question the world's preponderant power militarily. The past 40 years, however, have witnessed a relative decline in U.S. wealth, dictating that the United States can no longer simply overwhelm any problem with its vast national resources. Economic realities have also changed domestic political realities, forcing the country to make very real choices between guns and butter and to establish its priorities. Indeed, in the absence of a bipartisan consensus on the role of the United States in the world, public sentiment—including among certain foreign policy elites—is already calling for the United States to turn inward.

The fact is, however, that the twilight of the Cold War actually creates a greater need for bipartisanship as the United States confronts a more anarchical international system. The transition of the postwar blocs from East-West bipolarity to multipolarity will significantly alter the structure of the international arena, making conflict more, not less, likely.

With the passage of time, Japan and a reunited Germany will almost certainly emerge as more assertive and independent actors pursuing their own national interests. China will continue to be a major player on the world stage and will have great sway over world events. Furthermore, as the two superpowers continue on the path of arms control and scale down their military efforts, as anticipated, the gap between their capabilities and those of rising powers will diminish significantly. Additionally, by the year 2000, at least a handful of new countries will possess long-range delivery systems and weapons of mass destruction, and greater numbers of countries, including rogue states that do not adhere to or respect traditional standards of deterrence, will possess crude but nonetheless similarly daunting weapons. These countries will be capable of terrorizing other states or of sowing general chaos in the international system.

The result will be a new international system characterized by highly dynamic interaction and, over time, shifting alliances and interests more akin to the strife-ridden European balance of power system than the twentieth-century system, in which peace has been enforced by the nuclear balance of terror between the two superpowers. Although the risk of cataclysmic nuclear war between the United States and the Soviet Union is at its lowest point in history and is likely to remain so, it is far from certain that this new international structure will be more stable than the one it replaces. Fixed lines between allies and adversaries will blur, and alliances will shift with greater regularity across different issues.

At the same time, these changes will occur against the backdrop of a Soviet Union in decay, itself a potential cause of vast instability; the existence of nuclear weapons; and rising nationalistic, religious, and ethnic strife stretching from Europe to the Middle

East to Southeast Asia. To use Kaiser Wilhelm's words, the world may once again be made safe for "jolly little wars," the difference this time being the existence of weapons of mass destruction. There are few—and really no—parallels in history to serve as a model or paradigm for guiding U.S. policymakers in an international setting of this kind. Thus, at a time when bipartisanship is at its lowest ebb, U.S. policymakers are now being challenged in more ways intellectually, politically, diplomatically, and militarily than during the past 40 years.

The United States does have the resources to continue to play a major world role and to deal with its domestic problems at the same time, although admittedly those resources are now constrained. In addition, when one looks at military, economic, and even cultural factors, the United states has no challenger to its position as the preeminent world power should it choose this role. The problem for the United States is clearly not that epitomized by the apocalyptic cries of the "decline school" as portrayed by Paul Kennedy—that is, decline following upon "imperial overstretch."[3] Rather, the problem the United States faces is an international system in flux, characterized by the diffusion of military capabilities and power abroad, all of which will create far more complex, nuanced, and unpredictable challenges. In the future, deterrence of conflict will be more difficult, and U.S. defense planners and diplomats will have to address the capabilities and intentions of a wide array of actors far beyond that of the Soviet Union alone. Threats to U.S. interests and those of its allies will often appear ambiguous, falling in the greyer areas of "not war, not peace." Rather than following the well-defined and clearly understood rules of the road that largely governed U.S.-Soviet relations, the U.S. political system will have to react to the varied crises of the new world order. Even when working at its smoothest, it will have difficulty doing so effectively. Small-scale Sarajevos and Munichs may well be the norm, and their prevention or containment will require a cohesive nation, acting with a clear and consistent voice in the international arena, which will only happen if a new bipartisanship is forged.

Thus, it is demonstrably clear that, in the absence of bipartisanship, dealing with the new international system will be difficult at best and at times next to impossible. Friends and foes alike, watching U.S. indecision at home, will not see the United States as a credible negotiating partner, ally, or deterrent against wanton aggression. This is a recipe for increased chaos, anarchy, and strife on the world scene. The appeal, then, to recreate anew as the hallmark of U.S. efforts abroad the predictability and resolve that can only come from bipartisanship at home is as critical as during the perilous days following World War II.

BIPARTISANSHIP IN CONTEXT

The ease of constructing bipartisanship, however, should not be overstated. Its halcyon years are often idealized. People forget that the golden years from Pearl Harbor to the Tet offensive were the exception rather than the rule. Consensus was not a prevailing characteristic in the first 170 years of the Republic. Critics have noted with justification that it was the clear lack of purpose regarding vigorous U.S. involvement in world affairs that led to the U.S. rejection of membership in the League of Nations. In no small measure, this rejection led to the 20-year crisis that resulted in the rise of Hitler.

Proponents of bipartisanship point out its crowning achievements. Unprecedented unity between the two political parties made it possible for President Harry S. Truman and a Republican Senator, Arthur H. Sandenberg (R-Mich.), to join forces and create such monumental achievements as the Marshall Plan, the Truman Doctrine, the North Atlantic Alliance, and the United Nations Charter. Despite strains between the two parties over the Korean War and China, to name but two issues, that unity held firm and enabled the United States to act with continuity and consistency. Allies saw that the United States was strong and reliable, and the unmistakable message to adversaries was that the United States would abide by its commitments.

Some argue that it was the foreign policy consensus prevalent during the Cold War that made possible the tragic U.S. involvement in the Vietnam War. But his argument in no way invalidates the benefits of bipartisanship and, in the case of Vietnam, represents an oversimplification of the facts. The failure of U.S. involvement in Southeast Asia had as much to do with the unique circumstances of the war itself, which were exacerbated by the then current theories of limited war fighting. These factors, in conjunction with the profound domestic turmoil on both domestic and foreign policy that was tearing at the U.S. political fabric, made a complicated and protracted war abroad virtually impossible to prosecute.

More generally, the fact remains that the perception of strength resting on bipartisan unity has been crucial to the United States in times of crisis. This principle was most vividly displayed by the bipartisan support for President John F. Kennedy during the Cuban missile crisis. Had the Soviets felt the United States was divided, the situation might have ended in tragic defeat or quite possibly in a devastating war. Although history will be the final judge, it could be argued that in the recent Gulf crisis it was precisely the vast chasm that separated the Republicans from the Democrats over whether to use force or to employ sanctions in order to reverse Saddam Hussein's aggression that led him to calculate that the United States would never actually employ significant military power. This encouraged him to ignore the resolutions passed by the United Nations (UN) and wait for the United States to seek a watered-down diplomatic compromise. Certainly Hussein's statements that the American people would have to "face rows of coffins" if there were a war, echoing statements emanating from lengthy Senate hearings and floor debate, were designed to play into the antiwar sentiment that wanted to "give sanctions a chance." Tragically, the perception of division and weakness at home made the necessity for a military solution almost inevitable.

EXECUTIVE-LEGISLATIVE RELATIONS: THE SEARCH FOR BALANCE

The foundation of sustainable bipartisanship is effective executive-legislative relations. After the Vietnam War, however, the cold war foreign policy consensus, supported by harmonious executive-legislative relations and by both parties in Congress in a manner that minimized conflict over foreign affairs, was rudely shattered. Although it was not completely undone, as is often claimed by the pundits, and central elements of the postwar consensus enjoyed a fair degree of support, it was severely frayed. As a result, a slide began down a slippery slope leading to the balkanization of the U.S. approach to national security, and today this threatens to inject chaos into the foreign policy process. Congress lies at the heart of the issue.

In his inaugural address, President George Bush underscored that bipartisanship remains blemished by the Vietnam War and stressed his commitment to rejuvenating the traditional postwar pattern of foreign policy making. Bush said: "We need a new engagement . . . between the executive and the Congress . . . our great parties have too often been far apart and untrusting of each other. It's been that way since Vietnam. That war cleaves us still . . . and the old bipartisanship must be made new again." What the Bush administration appears never fully to have appreciated—a point to which we shall return—is the extent of the fragmentation of executive-legislative cooperation that is accounting for the increasing breakdown of bipartisanship. It thus underestimates the difficulty of mending it.

On its face, the problem of workable executive-legislative relations should not be intractable. The separation of these two branches of government is an indispensable element at the heart of U.S. constitutional democracy. As Justice Louis Brandeis put it:

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers . . . to save the people from autocracy."[4]

Over the past 20 years, however, the pattern has altered dramatically. The constructive tension between Congress and the president is no longer the product of a natural tug-of-war between a legislature and an executive operating as partners within an understood framework. Instead, the balance between Congress and the president has so radically shifted that the "inevitable friction" Justice Brandeis welcomed has devolved into something quite different—a real war marked by episodes of great rancor and a virtual battle over who controls foreign policy. Rather than becoming another stage in the natural push and pull between the Congress and the president it has reached crisis proportions, prompting fears that an "imperial congress," not an "imperial presidency," is the real problem. This has led one longtime policymaker, Eugene V. Rostow, to assert that the President is being transformed "into a ceremonial figure graciously presiding over the activities of an omnipotent Congress."[5]

Although Rostow may somewhat overstate the case, particularly given Bush's efforts to restore the balance in favor of the presidency, his portrayal aptly illustrates the tendency against which Madison so powerfully warned us in *The Federalist Papers*. Madison cautioned against "the dangers from legislative usurpation" that would lead to "tyranny." In prescient words that could easily describe today's process, he warned:

"[The legislative body's] constitutional power being at once more extensive, and less susceptible of precise limits, it can, with the greater facility, mask under complicated and indirect measures, the encroachments it makes on co-ordinate departments.[6]"

It is quite true, as defenders of interbranch conflict point out, that the increasingly divided government of the United States is preferable to the wild swings or complete paralysis that afflict various parliamentary systems. It is also certainly preferable to dictatorship, which is anathema to the U.S. tradition. But these comparisons constitute

a straw man that obscures the real issue. The question is not whether the U.S. system is better than others (it is), but rather is it suitable in its present state for a superpower expected to bear the burdens of global leadership? Moreover, is the process less effective than it has been in the past?

The framers of the Constitution made the president commander-in-chief and the executive agent of Congress in negotiating treaties, while the Senate gives its advice and consent to treaties and the appointment of ambassadors. But words reminiscent of Madison's caveats, two prominent senators, David L. Boren (D-Okla.) and John C. Danforth (R-Mo.), have written that partisanship in the Senate has "increased alarmingly"; they have gone so far as to assert that "Congress has confused [its] shared responsibilities for foreign affairs" with "incessant and irrelevant meddling."[7] Coming from such consummately moderate Senators, these words are not to be taken lightly. In point of act, they understate the case: the "incessant meddling" is often highly relevant and has great impact on U.S. policy. Through amendments to routine authorization and appropriations bills, Congress takes advantage of almost unlimited opportunities to revise the administration's foreign policy. In doing so, it is aided by the breakdown of the congressional seniority system, the proliferation of subcommittees and congressionally mandated reporting requirements, and the expansion of staff (now numbering some 35,000 people) since the congressional reforms of the late 1960s. These factors enable individual members to pursue their own foreign policy and not only to increase Congress's authority and oversight of the administration's actions but also to constrain and block outright the president's initiatives as well.

Although Congress is not empowered by the Constitution to recognize or to negotiate independently with foreign governments, it has sought to do so, thereby illustrating the magnitude of the problem. Congressional discussion with the former Sandinista regime were but one notable example. More recently, Congress has tried through the appropriations process to legislate official discussions and relations between the United States and the Vietnamese-installed Hun Sen government in Cambodia with little regard for its effect on the UN-mediated peace process already under way. As a general practice, few of these congressional bills or amendments receive any serious consideration in the appropriate committees and often little if any debate on the Senate floor. Indeed, it has become common to slip cleverly worded and seemingly obscure amendments onto the floor late at night or early in the morning during the waning hours of the appropriations process, when few senators or staff are present to debate the issue.[8]

The practical effect of these actions, often overlooked by even the most serious observers of congressional behavior, is to give power to Congress beyond what the founding fathers intended, making it tantamount to a shadow government and vesting it with de facto powers that are prohibited by the Constitution.

The argument is often made in support of congressional activism that Congress can actually strengthen the hand of the president through a "good cop, bad cop routine," an idea that has existed for some time. With Congress acting as the bad cop, threatening to undo a particular set of negotiatons, whether on trade, human rights, or other issues, the president can then extract concessions that it may otherwise be unable to obtain. In theory this approach has merit, and on occasion it has worked, such as in buttressing the president's hand in negotiating with the Japanese on trade or in exacting human rights concessions from the Soviet Union. But on the whole, this approach assumes far more support by one branch of government for the other than actually exists. Benefits that do occur are usually more the result of accident and random behavior than of design.

As a practial reality, congressional activity is freewheeling, and everything is left open to debate or amendment, whether it be on aid to friendly governments, negotiations on arms control, tactics of war fighting, or U.S. involvement in regional conflicts to combat antidemocratic regimes. The result is that the U.S. government all too often sets out in one direction, only to change its policy abruptly in midstream. Quite frequently, this leads adversaries and allies alike to realize that they must hedge their bets in relations with the United States, and, even more, that they must negotiate with two partners: the administration and the Congress. In the face of this, it is little wonder that many feel Congress has exceeded its brief.

The gravity of executive-legislative disputes is exacerbated by the modern political habit of electing a Democratic congress and a Republican president. The Republicans, now embracing a philosophy based on internationalism and a balance of power view of the world, have won five of the last six presidential elections. In contrast, the Democratic party, more readily embracing a neoisolationist and "peace through diplomacy" philosophy, has controlled Congress following 18 of the last 21 congressional elections. A stark statistic noted in *The Washington Quarterly* by two political scientists amply illustrates the effect of this "divided government."[9] Pointing out that ideological disputes between the two parties have increased in recent years, they show that Truman received bipartisan support for his foreign policy roughly two-thirds of the time during the 80th Congress, whereas in the 99th Congress, President Ronald Reagan received support on only one of every seven issues he supported. Given the nature of the electoral situation, there is little incentive for either party to engage in political compromise or seek to bridge their differences.

Furthermore, these statistics only partially indicate the magnitude of the crisis created by this divided government. Having lost the White House from 1967 to 1988, save for the one-term presidency of Jimmy Carter, the Democrats have become entrenched in an opposition mentality. Put more concretely, unable to govern from the White House, they seek to do so from the Congress. Notwithstanding the proliferation of staff and research resources, however, Congress still lacks the expertise to deal with the myriad of complicated issues the executive must face. Moreover, in view of the fact that Congress must also represent narrow parochial interests, it does not have the political space or mandate to represent the higher U.S. international interest on its own. Finally, it should not be lost on observers that Congress, in effect, undertakes to set policy from Capitol Hill, meanwhile enjoying the luxury of not being accountable for such major issues as war and peace as the president is—and must be. This gridlock only diminishes, rather than increases, U.S. influence abroad, precisely at a time when greater coherence and flexibility is needed by the executive to address the highly fluid and ever changing international system.

Congress, nevertheless, has an important role to play, and it would be wrong to conclude that congressional opposition in and of itself is unwarranted, new, or deleterious. Senate opposition led to the outright rejection of more than 100 treaties in the first 200 years of the Republic. The Senate's rejection of the Treaty of Versailles is to this day portrayed as a major foreign policy disaster for President Woodrow Wilson. It was also a sign of the legitimate, and powerful, influence Congress can have over decision making. Indeed, virtually every president has suffered a significant foreign policy setback in the face of congressional opposition. Congress did not act on the Threshold Test Ban Treaty negotiated by President Richard M. Nixon. It shelved the treaty on peaceful nuclear explosions negotiated by President Gerald Ford. So great was congressional opposition that President Carter did not even seek congressional ratification of the Strategic Arms Limitation (SALT) II treaty after the Soviet invasion of Afghanistan.

In the wake of the experience in Vietnam and the free-wheeling activities of the White House evidenced in the Iran-contra revelations, it is unreasonable for Congress to confer upon any administration a blank check reminiscent of the Tonkin Gulf resolution. Madison was equally cogent on this issue, reminding his readers that the accumulation of all power in the executive would amount to "the very definition of tyranny" no less than if it were concentrated in the legislative branch. It is also important to assert that bipartisanship should not mean an absence of healthy policy debate. Debate is the essence of a democratic society, and calls to stifle open discussion demean the spirit of bipartisanship and run contrary to the ethos of the United States. When executive-legislative relations are in proper balance, Congress can, as Alton Frye has thoughtfully noted, "affect policies at the margin." In doing so, he continues, Congress plays a crucial role in helping the administration fine-tune its policies. When the administration is wedded to outmoded or futile policies, Congress can "de-constrain" the executive branch and allow it to make necessary policy adjustments.[10] When adversaries believe U.S. resolve to be weak, Congress can demonstrate support that sends an unmistakable signal of the country's unity.

But the problem is not one of congressional participation, oversight, or comment. Rather, it is that the scales have tipped too far. More than at any time in recent memory, Congress is entrenched in an institutional, partisan, and ideological approach to national security that is at odds with the executive, and there is little indication that this downwarding-spiraling trend will be reversed. For all practical purposes, the spirit and practice of bipartisanship as it guided this country after World War II is dead, and the looming question is how to resuscitate it.

BUSH AND BIPARTISANSHIP

From the outset of his administration, President Bush sought to pursue a bipartisan approach to foreign policy. The preeminent examples cited to demonstrate his commitment were, first, his choice of a pragmatic foreign policy team and, second, the bipartisan accord on Central America that Secretary of State James A. Baker III negotiated with the congressional leadership in March 1989. Eschewing the potentially divisive policy that would have resulted if the administration had sought additional military assistance for the Nicaraguan resistance, the accord allowed for humanitarian

aid to the resistance until the Nicaraguan elections of February 25, 1990. The executive-legislative agreement was negotiated in what amounted to extensive shuttle diplomacy between the administration and the congressional leadership, almost reminiscent of Baker's efforts in the Middle East. Once a pact was attained, Nicaragua was removed from the political arena as a source of contention.

This pace presaged later efforts that, upon closer scrutiny, were often geared as much toward avoiding domestic friction as toward achieving policy goals abroad. A careful look at the agreement on Nicaragua is revealing. The fact that Violeta Barrios de Chamorro would ultimately defeat the Sandinistas was in no way to be predicted upon the conclusion of the bipartisan accord. Indeed, many participants in the executive-legislative branch discussions, including seasoned Central America hands in the administration, felt the Sandinistas would win the election under the new arrangement. Many saw the endgame less as one of ending Sandinista rule than of putting an end to the bitter executive-legislative disagreements. In short, pursuing policy abroad took a backseat to domestic policy at home.

After eight years of deep division between President Reagan and the Democratic Congress over Nicaraguan policy, it may have been unrealistic to have expected President Bush's foreign policy team to see renewed military support for the resistance. For that matter, a close reading of the bipartisan accord shows that even asking only for humanitarian aid still met stiff resistance from the House Democrats. However, this agreement set the tone for an administration style that was often founded less on securing acceptance on difficult issues than on reaching domestic agreements.

In its present form, the Bush administration style of resurrecting bipartisanship is premised primarily on bureaucratic and procedural mechanisms for consultation rather than on defining shared principles and philosophy. Much of this is surely because the administration recognizes the highly politicized way the Democrats approach foreign policy and the vastly different philosophy that separates the two parties. As it stands, the administration's approach is an important first step, but only a first step, toward rejuvenating bipartisanship in the sense that President Bush called for in his inaugural address. Left in its present form, it will fall short of achieving the president's goals.

CONSULTATION IS NO SUBSTITUTE FOR CONSENSUS

In many ways, the Bush administration style is reminiscent of Dwight D. Eisenhower's Republican administration. Eisenhower knew that ignoring Congress was a sure recipe for exacerbating any existing lack of consensus. Although he sought congressional deference to the administration, he actively cultivated Congress, often employing what he referred to as "the personal touch." He ensured that Congress was there at the takeoff, the ride, and the landing. He saw to it that his secretary of state, John Foster Dulles, consulted Congress extensively, providing it with a continuous say in the development and execution of foreign policy. Dulles had 160 meetings with congressional groups from 1954 to 1957, among them a series of informal breakfasts and lunches. The Bush administration has replicated this style by significantly expanding the Office of Legislative Affairs in the State Department, which is charged with ensuring greater frequency of consultation with the Congress and more generally keeping its finger on the congressional pulse. Almost no major policy initiative is undertaken without input from this office. The idea behind this arrangement is largely to enable members of Congress to understand the rationale behind proposed policies better, to moderate initial partisan reactions, and to reduce mutual misunderstanding.

This procedure has been successful in reducing the discord of the past eight years between the two branches of government. But is has proved inadequate as a replacement for genuine bipartisanship based on shared goals and philosophy. Several examples illustrate this inadequacy. Congress cut in half military assistance to the democratically elected government of El Salvador, thereby weakening the efforts of its democratic center to achieve a negotiated settlement with the Farabundo Marti National Liberation Front (FMLN) and reducing the incentive of the FMLN to abide by a UN-sponsored cease-fire. This was done in spite of the FMLN's massive offensive that threatened to topple the Salvadoran government itself and in which civilians, including Americans in the Hotel Sheraton, were used as hostages. The FMLN's violence continued unabated up until the Senate vote; indeed, on the very day before the October 19, 1990, vote, the FMLN actually launched yet another attack on the government and so undermined the view that they were committed to a peaceful political settlement. Congressional sensitivities about the murder of the Salvadoran Jesuit priests on November 16, 1989, were rightly intense, but this does not explain Congress's willingness at the time to ignore the ongoing pattern of violence by the FMLN that belied their claims of wanting to take part in El Salvador's political process and be serious partners in the UN-mediated peace talks over a cease-fire.

In a second area, the Congress extensively debated giving the administration the authority to seek limited lethal aid for the non-Communist resistance forces in Cambodia as an inducement to help bring about a peacefully negotiated solution in the Paris peace talks on Cambodia. Even after prolonged Senate floor debate, during which a unique coalition of Republicans and southern conservative and northern liberal Democrats provided an overwhelming vote in support of aid for the non-Communists, the Democratic leadership and Democrat-controlled Senate Appropriations Committee nonetheless all but ignored the will of the Senate as expressed by the floor vote and sent the message to the administration that they remained strongly opposed to such aid. Consequently, the aid was never formally requested. In a third area, Congress all but unilaterally restructured the architecture of the Strategic Defense Initiative (SDI), depriving some of the program's more promising technologies of funding. In each of these instances of congressional micromanagement the philosophy of the Democrats prevailed.

Each time the president has taken a personal interest in an issue, however, he has managed to get his way by exerting executive leadership. As much as any president in this century, Bush is by training and instinct at home in the world of foreign affairs and has a keen appreciation for a strong United States that acts vigorously abroad. He was successful in his intervention in Panama to remove General Manuel Noriega from office; in previously extending most favored nation status to China against the stiff opposition of the Senate majority leader; and in the most compelling issue faced by the United States at any time since perhaps the Vietnam War—the resolution of the Gulf crisis through deployment of U.S. forces, including a ground war against Iraq.

The Gulf crisis is perhaps the most instructive instance of the consequences of today's dilemma of governance. President Bush had before him the example of one state's naked aggression, which additionally threatened both U.S. allies in the region and the U.S. economic lifeline and set a precedent for future aggression by other dictators. This enabled him to assemble an unprecedented political and military international coalition against Saddam Hussein's Iraq, and to garner equally unprecedented support from the UN Security Council, which passed 12 resolutions, one of which took the step of authorizing the use of force by the coalition after January 15, 1991, if it were deemed necessary. Bush was supported by 82 percent of the American people. Yet despite a high-quality Senate debate and the eventual support he received from Congress after the vote, only 10 Democrats in the Senate voted to support the president to authorize the use of force, and then only after extensive lobbying by the White House. Such a margin was too close for comfort and failed to send a message of unmistakable unity to Saddam Hussein about U.S. policy resolve. It demonstrated that even on an issue on which the stakes were high and the President enjoyed near world support, he could still not be completely confident of marshaling the full support of a Congress controlled by the opposition.[11] Speaking for the majority of the Democrats during the final hours of the debate, Senator Paul Simon (D-Ill.) made this very point. He said the vote "shows a deeply divided Congress . . . and it is the smallest vote for the authorization of force in the history of this country since the war of 1812."[12] The lesson to be drawn is that the two parties remain almost irreconcilably far apart.

Two others emerge from consideration of these issues. First, in the absence of consensus, presidential leadership is necessary and can enable the United States to act successfully in a crisis. Second, the two parties, controlling different branches of government, remain deeply divided over the role of the United States in the world, the use of force as a tool of statecraft, and the desirability of U.S. intervention abroad. This is hardly an optimal way for the United States to conduct foreign policy, nor does it augur well for the ability of the United States to lead in shaping the new world order.

The decay of the cold war consensus, the dispersion of congressional power, and the certainty that a Democrat-controlled Congress, whose view of the U.S. role in the world differs vastly from that of the administration, will continue to insist upon having a major role in foreign policy, suggest that more, not less, discord about U.S. interests will almost certainly be the norm. Simple exhortations that the two branches of government must respect each other's institutional sensitivities will solve nothing. At this crucial juncture in world affairs, the Bush administration's emphasis on greater interbranch coordination and cooperation is at best a palliative because the system underlying today's gridlock is too ingrained, too partisan, and too fragmented. For the new world order, what is needed is a new beginning.

A NEW BEGINNING: LESSONS FROM THE PERIOD AFTER WORLD WAR II

There is a strength to the U.S. system of government that is all too frequently over-

looked in discussions of restoring bipartisanship. This system forces the executive to build and secure a consensus for its policies, in short, to develop a mandate. In the long run, there is no substitute for a reinvigorated consensus—whatever that consensus may be. The only alternative would be to condemn the United States to a period of drift and disagreement. That consensus requires, first, that Americans define their vital interests and goals, and, second, that the United States as a nation create anew a sense of national purpose in the world. There is at least moderate reason to believe it can be done. To start, it is instructive to recall the unique circumstances under which bipartisanship was first created in this period.

The terrible destruction wrought by World War II, the horror of the holocaust, and the enslavement of half a continent by the Soviet Union brought home the folly of isolationism—the policy long preferred by the Republican party. The sense of the Soviet threat, shared by so many Americans, left little doubt that the United States had to be actively engaged in the world lest the painful experiences of the past be repeated. This made possible one of the most creative phases in U.S. foreign policy. It rallied both ends of the political spectrum and ended the period of "fortress America" that had dominated U.S. involvement in world affairs.

At that time, a Democratic administration and a Republican Senate overcame their differences and embarked upon a working partnership to create consensus in the aftermath of war. It was made possible in part by the personal relationship President Truman developed with the chairman of the Senate Foreign Relations Committee, Arthur Vandenberg, who put his prestige on the line to obtain the support of his colleagues for U.S. participation abroad. In a burst of creativity and with an acute sense of the historic moment, Truman had his secretary of state, George Marshall, and undersecretary of state, Robert Lovett, meet informally with Vandenberg to draft a general statement of U.S. foreign policy principles. From these meetings emerged the Vandenberg Resolution 239, which laid the groundwork for the North Atlantic Alliance and the Marshall Plan and, in effect, served as a blueprint for U.S. participation in world affairs. This set of principles was buttressed by a practice that institutionalized congressional involvement in policy-making. It also included appointing leading policymakers from the opposition party to key positions—Lovett and John McCloy being two examples.[13] Finally, in contrast to the practice of the last two decades, this series of arrangements made Congress equally responsible—and culpable—for policy successes and mishaps. As such both sides had a shared stake in success and the temptation to use foreign affairs to achieve partisan advantage was minimized. All of this made effective executive leadership possible and the acceptance of executive leadership legitimate. The result: in good measure guided by a shared blueprint shaping the U.S. role in the world, the two parties created at a historic moment what could properly be called "a U.S. foreign policy."

TOWARD A BIPARTISAN U.S. FOREIGN POLICY

Now, at an equally defining point in world history, can a bipartisan U.S. foreign policy be recreated? There is little choice but to try, and the effort should be made first and foremost by the president. If President Bush truly wants the United States to have a successful hand in shaping the new world order and rejuvenating the old style of bipartisanship, then he should resurrect the initial arrangements and spirit that characterized Truman's administration. It will not be easy, nor will it be accomplished by calling on the opposition to support the administration blindly. But it can be done.

Reducing and explaining the problems of the world as a simple dichotomy of good and bad, democracy versus totalitarianism, has become increasingly difficult and with the end of the Cold War may no longer be possible. This dilemma is compounded by the complexity of the emerging international system. Sustaining support for an active foreign policy in the new world order will also prove to run counter to the cultural style of the United States, which is a nation of problem solvers. In international politics there are no permanent solutions, there is no such thing as enduring peace, and no such creature as complete peace. One solution often begets unforeseen problems. A prolonged engagement in the new world order, with no seeming end and no grand rationale to demonstrate conclusively the need for U.S. internationalism, will complicate this task further. The situation will be exacerbated by the almost ubiquitous presence of Cable News Network (CNN) and the other TV networks, with their instant but abbreviated coverage, and the sound bite analysis emanating from think tank experts. The American people will be given the impression that solutions, often absurdly simple, exist for deeply complex problems, or they may decide it is better to ignore these problems altogether.

In the face of all this, Americans may, in Averell Harriman's famous words, choose "to go to the movies and drink Coke"—to wit, opt for neoisolationism.

Bush and his eventual successor will also face another truism. Even with bipartisanship and harmonious executive-legislative relations, there will always be limits to the ability of the United States to pursue a foreign policy with subtlety and nuance. The new era of multipolarity, marked by smoldering ethnic and nationalistic conflicts and the proliferation of weapons of mass destruction, will place bipartisanship at a premium. It may be true, however, that the circumstances of the changed world are insufficient to provide an easily articulated rationale or simple rallying cry to unite the country and the two political parties around a new bipartisan consensus.[14] It is also certainly the case that a new consensus would look different from the one that governed U.S. policy during the Cold War. But over the long term, the alternative to bipartisanship is neo-isolationism and drift. At stake is no less than the shape of the new world order.

A starting point for rekindling bipartisanship in a national debate about the U.S. role in the world can be found in the constellation of goals Americans almost uniformly share. These goals include the preservation and expansion of freedom, the promotion of democracy, a wish to discourage dictatorship, and the desire for a defense capable of protecting U.S. interests. Each of these issues is consistent with the nation's heritage and has the potential to provide a fixed sense of national purpose in the world for U.S. foreign policy. Americans also clearly have been moved by the events of the last two years: the democratic revolution in Eastern Europe and Latin America and the call of the Chinese student movement in Tiananmen Square for greater liberty. Americans almost overwhelmingly supported U.S. leadership to defeat Saddam Hussein's aggression. And in the wake of the Gulf War, they demonstrated concern for basic human rights in supporting humanitarian measures to alleviate the plight of the Kurds.

Thus, if there is an overarching theme to rally Americans in shaping the new world order, it is that having won the Cold War, they should now win the peace, and that the United States should continue to foster the global trend toward democracy and human rights. Many conservatives will bristle at this notion, saying that looking after security concerns and not the domestic organization of other societies should be the focus. They will be joined by many on the left of the political spectrum who argue that the United States cannot be the schoolmaster of domestic politics everywhere in the world. Both sides would add that budget realities at home must constrain U.S. efforts abroad. But on the other side of the ledger, the majority of Americans have an affinity for democratic societies and believe in the promotion of freedom. The idea is dawning on policymakers of both parties that Americans believe in Edmund Burke's injunction, that "the principles of true politics are those of morality enlarged," and that the nation should act abroad out of both self-interest and principle.

Moreover, history suggests that the more democratic a society is, the less prone it is to oppress its people at home or to be warlike abroad. This makes a powerful case that a more democratic world is a safer world, one that best serves U.S. security interests as well. Thus, there is reason to believe that both political parties would support this goal, not just with rhetoric but with action. Fostering democracy through support for the National Endowment for Democracy and the Agency for International Development (AID), for actions by private voluntary organizations and entrepreneurial business ventures, and by making effective use of such multilateral institutions as the new European Bank for Reconstruction and Development should be a priority.

At times, the use of force, directly or through some military assistance, will be necessary (as in the Gulf) or desirable (in helping an elected government make the successful transition to democracy in the face of insurgent movements, as in the Andean countries). There can be no pat prescription as to where, when, and exactly how U.S. force should be applied. But in a world where managing complex regional problems that would erupt on a larger scale will almost certainly be the norm, securing a bipartisan agreement that there will be some circumstances requiring some application of U.S. power will be called for. This is not to say that there should be an excessive reliance on military solutions to problems that often have a political or economic dimension. But it is a sober recognition of the realities of international life, where power politics often governs activities between states, and where force, therefore, cannot be ruled out as a means of statecraft.

Balance of power politics should be complemented by an increased commitment to the use of multilateral institutions, including the UN. President Bush has discovered that the U.N. and related organizations can serve as powerful diplomatic tools to augment U.S. policy goals and facilitate greater burden-sharing. This has been the case for international peacekeeping, monitoring elections, building a foundation for collective action against a rogue regime such as that of Saddam Hussein, mounting massive humanitarian relief efforts, or helping to solve seemingly intractable problems such as the

one besetting Cambodia. In short, there should be a blend of balance of power politics with world order politics to enable U.S. policymakers to confront complex challenges.

As the new world order begins to take shape, the United States must debate the nature of its own participation. Think tanks, the media, and the great universities can and should all take part. But the debate must be led and initiated by the president.

This is a time of enormous opportunity. After 40 years of the cold war struggle, the United States is now in a position to help create a more democratic and peaceful world, marked by respect for human rights and self-determination. It is also a time of peril and challenge. The democratic revolution could fail, nationalistic and ethnic tensions could lead to war, the boundaries of the state system could come under relentless assault, and terrorists could acquire atomic devices or chemical and biological weapons. Instead of a world characterized by international law as envisaged by Hugo Grotius and a "zone of peace" between liberal democracies described by Emmanuel Kant, it could be a world where borders are redrawn, anarchy sets in, and states and ethnic groups use force as a commonplace instrument to resolve outstanding differences. It is, then, a historic juncture for the United States, and the country has a choice as to the nature of the role it wants to play and the kind of world Americans want to live in. No less than after World War II, this is, in Paul Nitze's words, a time to debate the issues and "get it right." But if Americans continue to be wracked by partisan bickering, they will not "get it right." Instead, the remarkable achievements of the last 40 years will be squandered, as will the precious opportunity to secure a freer, more decent, more stable, and less conflict-ridden world. The United States can be a force of positive change into the next century. This will only happen, however, if the conflict that divides Americans at home is put to rest, and bipartisan consensus is once again restored.

FOOTNOTES

[1] No less prominent a commentator than William Hyland, editor of Foreign Affairs, has already called for a reorientation of U.S. energies to "our domestic crisis." "Downgrade U.S. Foreign Policy." New York Times, May 20, 1991. op-ed. A-15

[2] Henry Kissinger and Cyrus Vance. "Bipartisan Objectives for American Foreign Policy." Foreign Affairs 66 (Summer 1988), p. 899.

[3] Paul Kennedy. The Rise and Fall of Great Powers: Economic Change and Military conflict from 1500 to 2000 (New York. Random House, 1987).

[4] See Myers v. United States, 272 U.S. 52, 293 (1926).

[5] See the discussion in Eugene V. Rostow, President, Prime Minister, or Constitutional Monarch? McNair Papers, no. 3 (Washington, D.C.: National Defense University 1989), p. 5.

[6] James Madison. The Federalist Papers, Nos. 47—48 (New York: New American Library Books, 1961), p. 310.

[7] David L. Boren and John C. Danforth, "Why This Country Can't Lead," Washington Post. December 1, 1987, op-ed.

[8] One example alone is telling. At midnight, during the Panama/Nicaragua 1990 foreign and supplemental, a senator slipped in an amendment dictating that up to $5 million in aid go to "the children of Cambodia." Only the two Senate floor managers were present on the floor at this late hour, disposing of what were supposed to be noncontroversial amendments. The particular provision was never openly debated or discussed in committee or on the floor either with regard to its need, its potential deleterious impact on the peace process, or the signal if would send to the warring Cambodian factions. In contrast, the equivalent amount of $5 million in nonlethal aid the non-Communist resistance, under the long-standing "Solarz Program," was subject to extensive floor debate, as well as discussion in numerous hearings.

[9] See the discussion in James M. McCormick and Eugene R. Wittkopf, "Bush and Bipartisanship; The Past as Prologue?" The Washington Quarterly 13 (Winter 1990), pp. 5-16.

[10] See Alton Frye. "Congress: The virtue of Its Vices," Foreign Policy, no 3 (Summer 1971), pp. 108-121.

[11] It is noteworthly that perceptive commentators repeatedly spoke (and rightly so) of the political courage and the isolation of Representatives Stephen Solarz (D-N.Y.) and Les Aspin (D-Wis.) in actively supporting U.S. use of force in the Gulf.

[12] Congressional Record 137, no. 8 (January 12, 1991), p. S396.

[13] As deputy director of then-Secretary of Defense Frank Carlucci's bipartisan commission on military base closure, the author witnessed firsthand how the commissioners and senior staff, dedicated to a common goal, could overcome any possible partisan differences and work in a nonpartisan pragmatic fashion. Although a blue ribbon commission is by its nature different from the day-to-day workings of government, the work of the Carlucci commission demonstrated that the practice common in Truman's day of appointing able people to positions without regard to party affiliation can foster effective bipartisanship and sound policy-making. For discussion of this point. See Zbigniew Brzezinski. "The Three Requirements for a Bipartisan Foreign Policy," in Forging Bipartisanship, White Paper, The Washington Quarterly (Washington, D.C.: CSIS, Georgetown University, 1984), pp. 18-19.

[14] Strongly asserting that foreign entanglements in the future "are a necessity," Charles Krauthammer highlights the challenge of creating the consensus necessary for continued U.S. internationalism. He writes: "Compared to the task of defeating fascism and communism, averting chaos is a rather subtle call to greatness." Charles Krauthammer. "The Unipolar Movement," Foreign Affairs 70 (America and the World: 1990/91), p. 33.

PRESIDENT BUSH SALUTES ST. FRANCIS CONFERENCE—DEVEREAUX APARTMENTS AS THE 501ST "DAILY POINT OF LIGHT"

Mr. PACKWOOD. Mr. President, it is a pleasure for me to rise today in honor of the volunteers of the St. Francis Conference—Devereaux Apartments in Salem, OR. These volunteers have been outstanding in their efforts to provide low-income families with housing free of charge for up to 1 year, thus allowing them to focus on bettering their lives without the worries of rent payments.

Four years ago a group of volunteers setup the nondenomination St. Francis Conference with the goal of helping the homeless in Salem by providing them with a place to live for a longer amount of time so they can concentrate on finding a job and pulling themselves together.

In 1987, the St. Francis Conference purchased a dilapidated apartment complex in a low-income community and refurbished it, thus helping to improve the neighborhood while establishing the Devereaux Apartments, a facility that provides temporary housing to low-income families.

The apartment is comprised of 32 units—20 of which are rented at market prices and 12 of which serve as rent-free transitional housing. Over 50 volunteers and one full-time house manager keep the apartment complex up and running.

In addition to helping house low-income families, the Devereaux Apartments volunteers work with the residents while they are there, teaching them the skill needed to obtain employment and permanent housing. The apartment complex has only one full-time paid staffer, a remarkable, 81-year-old woman in Pendleton, OR. Her name is Sister Mary Florita Springer, and she has dedicated her life to improving the lives of others. The many contributions she has made to Oregon are best demonstrated by her work helping the elderly residents of the Umatilla Indian Reservation in my State.

Despite having suffered two heart attacks and two surgeries, Sister Florita regularly travels 8 miles to the Umatilla Reservation outside Pendleton to visit 30 homebound elderly individuals. She spends most of her day talking with them, assisting them with chores, and offering them reading materials. After completing her visits, she goes to the senior center on the reservation to pick up hot meals and deliver them to those who are unable to prepare meals for themselves. Sister Florita goes out of her way each day to ensure that all of her friends on the reservation receive a pleasurable meal.

Sister Florita became interested in working with the residents of the Umatilla Indian Reservation after a 45-year career in teaching. For the last 15 years of her teaching career she was the principal at the St. Andrews Catholic School on the reservation. After being forced to retire from teaching because of her health conditions, Sister Florita decided to come back to the reservation as a companion to the elderly who live there. Many of her friends are the grandmothers and grandfathers of the children she used to teach. Each day Sister Florita ensures that the elderly receive the friendship and care that they so deserve.

As recognition for her hard work and dedication to improving the lives of the elderly residents of the Umatilla Reservation in Oregon, President Bush has saluted Sister Florita as the 394th "Daily Point of Light." The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by Sister Florita.

On behalf of Oregon, and the many people on the Umatilla Reservation in whose lives you make a difference, many thanks, Sister Florita!

ALEX SCHOENBAUM TRIBUTE

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to an outstanding individual and a personal friend, Alex Schoenbaum. On November 21, 1991, the American Jewish Committee's Institute of Human Relations will pay tribute to Alex by presenting him

with the Sarasota-South Central Florida 1991 Human Relations Award. I can confidently state, without a doubt, that there is not a more deserving individual.

Alex's father, who was an immigrant, started the first Shoney's restaurant in Charleston, WV. Back in the fifties, Shoney's was the gathering place for many Charleston teenagers. Alex built that one small drive-in into one of the largest restaurant chains on the east coast.

It was Alex Schoenbaum's strength, determination, and good business sense that turned Shoney's into the enormous success it has enjoyed. But, it is his humanity that defines the kind of man he is. He cares a great deal about people, and if he is your friend, you can depend on him. He has always been particularly concerned about the needs of young people, providing thousands with jobs and opportunities through his business.

Alex has always been a philanthropist, and has several programs setup to help people who are in need of assistance. One program, the Schoenbaum Foundation, helps those that are less fortunate in the States of West Virginia and Florida. Another is the Manna-Meal Program, which donates food to the homeless or underprivileged. As an example of his enormous love for the State of West Virginia, Alex established an educational scholarship program at West Virginia University whereby he will pay 1 year's tuition to students in education, in exchange for 1 year of teaching in West Virginia.

Alex Schoenbaum is dedicated to the improvement of life and the advancement of human character. I have tremendous respect for him and I'm proud to call him my friend. Although many view Alex's deeds as transcendent of human kindness, to him it is just a way of life.

IT IS TIME TO PUT THE BRAKES ON ROAD HOGS AND HIGHWAY ROBBERY

Mr. WALLOP. Mr. President, nearly 4 months ago, this body passed a highway reauthorization bill by an overwhelming margin. The Senate bill was, in my view, a very forward-thinking view, proposal for improving our Nation's infrastructure. It included flexibility provisions designed to meet the needs of each of our 50 States and I supported it wholeheartedly. And I, like many other Senators in his Chamber, hoped that our early completion of this measure would ensure that a reauthorization bill would be on the President's desk before the expiration of fiscal year 1991 and the last highway program.

But now that time has come and gone and House Members have still not reached agreement on a highway bill. One might understand this impasse if it were for good reasons. Disagreement over apportionment formulas, dedication of funds for safety programs or capacity need or the establishment of a National Highway System would be valid objections. But it is neither of those. It is taxes and demonstration projects, the very same problem which prevented timely enactment of a highway bill in 1982 and again in 1987.

If the House has its way, the highway program will be authorized through fiscal year 1997 and the additional gas tax we adopted as part of last year's budget agreement will continue through fiscal year 1999. To pay for what, you ask? Why 511 highway and mass transit demonstration projects worth some $12 billion, not to mention an amendment which doesn't take into account the wide range of good faith contributions each State makes to the highway program. Does every State benefit from these pet projects? No. Wyoming sure doesn't. We have no demonstration projects and we will not receive any additional funds as a result of the previously mentioned amendment. In fact, only 10 States get 95 percent of the earmarked funds for pork barrel projects. But will Wyoming pay for these boondoggles? My guess is Wyoming will pay considerably more than most other States and get nothing in return but higher gasoline bills.

Mr. President, the House of Representatives is trying to set a new record for the most loot confiscated in a highway robbery. The price of this year's pork went up 364 percent from the 1987 highway bill. America's hog farmers could be so lucky. But we shouldn't be surprised that House Members are overdrawing the highway account. The entire process is a sham and will only serve to bloat the deficit while shrinking the economy.

But these actions—or lack thereof—are leaving the Federal highway program and Federal Highway Administration operations dependent on the provisions of a continuing resolution good until October 29. After that, obligations are uncertain, causing further negative economic consequences for the highway construction industry and its employees. The long-range planning of projects characteristic of a well-managed highway program will be abruptly interrupted, leading to reduced productivity and higher costs as contractors attempt to maintain idle capacity. This is particularly troubling for firms in Wyoming which must already deal with a shorter construction season and less predictable work to ensure their survival.

Mr. President, several days ago, during consideration of the fiscal year 1992 Department of Transportation appropriations bill, we acted on two amendments relative to the House impasse. We adopted a sense of the Senate resolution offered by Senator COATS which rejected any further increase in the Federal gas tax and, sadly, voted down an amendment offered by Senator BOND to reduce funding for highway demonstration projects in the appropriations bill. Obviously, we have fallen short of our attempts to lead by example.

House Public Works Chairman ROE has stated he would like to enact their version of the highway bill as quickly as humanly possible. But it is anyone's guess how quickly that will be. In the meantime, however, middle America will continue its pedestrian ways while the Democrats look for enough traffic to justify the cost of their pet projects.

TRIBUTE TO JACK BIDDLE

Mr. WIRTH. Mr. President, I was saddened yesterday to learn of the death of Jack Biddle on Tuesday night. Jack was a good friend who I, and many others in Congress, worked closely with over the years. I would like to express my deepest sympathy for his wife Stephanie and her loss.

Jack helped found the Computer & Communications Industry Association. He came to Washington in the mid-1970's after a successful career in business to serve as president of the association. He quickly became very involved in telecommunication's issues. In fact, Jack was a leader in forming new policies in communications.

It was an exciting time to work in that area and I was fortunate to serve on and then chair the House Subcommittee on Telecommunications, Consumer Protection and Finance. That role gave me the opportunity to work closely with Jack and Stephanie, who worked alongside Jack as executive vice president of the association. Jack's talents and knowledge of the industry made him an extraordinary resource for me and others involved in telecommunications policy.

The communications sector has undergone dramatic changes in recent years. Yet, it was not long ago that our telecommunications sector was a relatively stagnant backwater where change came only grudgingly. As recently as the mid-1970's, when Jack first came to town, the industry was characterized by monopoly and heavy Government regulation that worked to foster the status quo. The promise of technological breakthroughs, new products and services, and a wide variety of opportunities for consumers and business was largely unfulfilled. Jack helped change that.

In recent years, few industries have changed as much or changed people's day-to-day lives as much as computers and communications have. Jack was instrumental in the changes that brought greater competition to the industry and led to the dramatic increases in services and products that we have seen in recent years. Jack was

a driving force behind the changes in the industry, its regulation, and the marketplace that helped bring these and other products and services into widespread use. He had a very real impact.

As he was working so hard and well to usher in new communications technologies and make them available to more people, Jack was fighting a 10-year battle with cancer. It is a tribute to his strength and talents that he was so productive during those years. He was an extraordinary man and I feel lucky to have known and worked with him.

I ask that a memorial statement and the obituary be printed in the RECORD.

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

IN MEMORIAM

A.G.W. BIDDLE (AUGUST 14, 1930–OCTOBER 1, 1991)

It is with a sense of profound sadness and loss that we inform you of the passing of our President and long-time friend, A.G.W. (Jack) Biddle. Following a 10-year battle with cancer, he died peacefully, among family, at home today.

Under Jack's tutelage, we have grown from an infant association in the early 1970's into a healthy and mature association. Our members range from young entrepreneurial firms to many of the largest in the industry. Together, we now generate annual industry-related revenues in excess of $165 billion and employ over one million people. We are healthy and strong and will remain so. Jack was incredibly proud of his members' accomplishments.

He was equally proud of his leadership role in the creation of the Corporation for Open Systems [COS]. By working toward interconnectivity and interoperability, COS has enhanced the industry competitiveness that Jack valued so highly and encouraged so strongly.

As all of you know, Jack worked effectively in both the computer and telecommunications arenas. A leading industry advocate of "letting the sun shine" on public policy discussions, he also was a continuing catalyst for bringing together our industry's senior management to effect positive change in the business environment. Jack consistently defended full, free, and open competition and a "level playing field", both domestically and internationally, over 150 times before Congressional Committees.

He prized his relationships, both professional and personal and, as you are aware, many of them overlapped. Measured by his contributions to the public and private sectors, Jack was a seminal industry figure for over 20 years; measured by his relationships with you—his friends, associates, peers, member company officials, and government leaders—he was even more extraordinary. We are all better and stronger for having known him.

A memorial service will be held at St. John's Episcopal Church on Lafayette Square in Washington, DC on Monday, October 7, at 10:00 a.m.

[From the Washington Post, Oct. 3, 1991]

A.G.W. "JACK" BIDDLE, COMPUTER ASSOCIATION FOUNDER

A.G.W. "Jack" Biddle, 61, president of the Computer & Communications Industry Association, a computer trade association, died of cancer Oct. 1 at his home in Great Falls.

Mr. Biddle moved here in the mid-1970s after helping found the association, which represents 60 companies. He was a former vice president of the Fairchild Aircraft and Mattel Toy companies and president of the Decision Resources management consulting firm on the West Coast.

He also worked for Booz, Allen & Hamilton as a marketing and planning specialist.

Albert George Wilkinson Biddle was born in Tulsa. He was a graduate of the U.S. Military Academy at West Point, N.Y., and served in the Army in Korea.

His military decorations included the Bronze Star.

Mr. Biddle was an adviser to the congressional Office of Technology Assessment, a member of the Informational Technology Advisory Committee of the Office of Management and Budget, and a member of the industrial sector advisory committee to the Commerce Department. He also was on the advisory board of the John F. Kennedy School of Government at Harvard University and a member of the executive committee of the National Association of Manufacturers.

His marriage to Leah Biddle ended in divorce.

Survivors include his wife, Stephanie Greher Biddle, and their daughter, Alexandra Biddle, both of Great Falls; three children from his first marriage, Albert George Wilkinson Biddle III and Lisa Fitzgerald Biddle, both of Annapolis, and James Anthony Biddle of Great Falls; and a brother, James Brubeck Biddle of Dallas.

REFUGEE ADMISSIONS FOR 1992

Mr. KENNEDY. Mr. President, as required by the Refugee Act of 1980, the Committee on the Judiciary recently met to consult with the President's representatives on refugee admissions to the United States for the coming fiscal year, and to review worldwide U.S. refugee programs.

Although this is a time of historic change in the world—with unprecedented opportunities for achieving peace and resolving some festering conflicts—we also continue to face many refugee problems and humanitarian emergencies in many areas of the world. Tragically, the plight of the homeless and dispossessed will likely be with us for many years to come.

In addition to our financial contributions to refugee relief efforts, the United States will admit next year 144,000 refugees.

For the information of the Senate, and as required by the Refugee Act, I would like to share excerpts from the President's Report to Congress and to review some of the issues the Judiciary Committee has raised following completion of our hearing and consultation.

Therefore, Mr. President, I would ask unanimous consent that the text of the letter the Judiciary Committee sent to the President concluding the annual refugee consultations, and excerpts from the Report to Congress, be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 1, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with The Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representatives on the proposed refugee admissions for fiscal year 1992. We accept your proposed numbers, but we would make the following recommendations and observations.

First, the Committee will not agree in the future to set admission levels above those provided for in the budget and, in effect, dumping the responsibility on the States and local communities. This is contrary to the explicit provisions of The Refugee Act.

To accommodate a 21% increase in refugee admissions over that which is in the budget of the Department of Health and Human Services, the Office of Refugee Resettlement has been forced to announce that it will only be able to reimburse States for eight months instead of the twelve months this year—down from 36 months just five years ago. There is a serious danger that some States will completely withdraw from the refugee program and that the refugee program will suffer a serious erosion in public support. We would urge the Administration to seek a supplemental appropriations next year if it is necessary or desirable to maintain the proposed level of admissions.

Second, it is clear the consultation process envisioned in The Refugee Act is not being fulfilled when it is held only days before the beginning of the fiscal year and after budgetary decisions and appropriations have already been made. We would urge the Administration to do what was in fact proposed by members last year as well as by officials involved in the refugee program—hold the consultations earlier in the year at the time budgetary decisions are being made.

Third, the Committee recommends that the proposed 1,000 unallocated numbers be reserved for refugees who the U.N. High Commissioner for Refugees identifies as being "at risk". Often these refugees must be moved within a matter of hours, or face refoulement and imminent danger to their lives or freedom. The United States has a proud record, but we do not always respond well to individual refugees in need of urgent protection. To respond to these needs the Committee suggests these unallocated numbers be used for this purpose, and that the Coordinator for Refugee Affairs establish a permanent procedure with the Attorney General allowing Consular Officers to admit these refugees "at risk" rather than waiting months for an INS "circuit rider" to interview them.

Fourth, for more than 10 years your representatives have stressed that the admission numbers are ceilings and not quotas. We have frequently observed that the congressional intent was that admissions numbers represent ceilings not to be exceeded, rather than quotas to be filled. However, for the first time the Administration has treated a ceiling as a quota and has proposed increasing numbers for a particular region to address a shortfall in admissions from that region in the previous year. We believe this is an unwise change in policy and in the future would encourage you to propose admissions based on current need, rather than to make up for "shortfalls" in a prior year.

Finally, as we discussed with your representatives at our hearing, this is a time of

historic change in the world, and with the end of the Cold War it also provides an historic opportunity for the United Nations and its agencies to become more effective and involved. We are witnessing a greater willingness by governments to address humanitarian and other problems collectively through the United Nations. Whether it is the Kurdish refugee crisis, the continuing problems in southern Iraq, or the Cambodia issue, nations have joined together in looking to the U.N. as the best forum for resolving them. But if we are to expect the U.N. to finally be able to do what its original Charter gave it the responsibility to do, then there is a need to strengthen the U.N.'s capacity to do so.

Currently, there are major proposals to reform the U.N. Secretariat, to streamline operations, cut back on staff, and make the U.N. system more responsive to the Secretary General. We would urge the Administration to support similar action with the specialized agencies such as the UNHCR, WFP and others. In recent years, in Ethiopia and Sudan, and most recently with the Kurdish refugee crisis, we have seen major field problems in the U.N. response to humanitarian emergencies. A number of proposals for reform have been made, and we hope your Administration will lead in efforts to implement them. In the end, it is these reforms of the intentional system, more than even our generous resettlement program, which will save the lives of untold millions of refugees and displaced persons in need of urgent humanitarian assistance.

As in previous years, we continue to support the objectives of our program to assist refugees of "special humanitarian concern" to the United States. But we earnestly encourage you to consider the above suggestions as we implement this year's program and plan for the following year.

With best wishes,

Strom Thurmond, Ranking Member, Committee on the Judiciary; Alan K. Simpson, Ranking Member, Subcommittee on Immigration and Refugee Affairs; Joseph R. Biden, Jr., Chairman, Committee on the Judiciary; Edward M. Kennedy, Chairman, Subcommittee on Immigration and Refugee Affairs.

EXCERPTS FROM THE REPORT TO THE CONGRESS ON PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 1992

FOREWORD

The annual Congressional consultations on refugee admissions provide a unique opportunity for the Congress and the Administration to focus on the domestic and international implications of the U.S. refugee policy and mark the culmination of a many-faceted consultative process.

The U.S. Coordinator for Refugee Affairs and other Administration officials have periodic discussions with Members and staff of the House and Senate Judiciary Committees, the Senate Foreign Relations Committee, the House Foreign Affairs Committee, the House and Senate Appropriations Committees and other interested Congressional committees. The Coordinator has weekly interagency meetings which include representatives from the Department of State's Bureau for Refugee Programs and Bureau for Human Rights and Humanitarian Affairs, the Department of Justice's Immigration and Naturalization Service, the Department of Health and Human Service's Office of Refugee Resettlement, the Office of Management and Budget, and the Natural Security Council. In addition, consultations are held with representatives of state and local governments, public interest groups, private voluntary organizations, mutual assistance associations, and other organizations concerned with refugees.

A Policy Coordinating Committee, with representatives of Federal Agencies involved in refugee-related issues meets to ensure that policy and program issues requiring interagency attention receive prompt and systematic consideration.

The Administration is committed to strengthening and implementing the U.S. refugee admissions and assistance policy consistent with domestic and international concerns within a humanitarian framework. The task of balancing these concerns has become increasingly difficult because of growing numbers of refugees and constrained budgets. Nevertheless, we continue to admit select numbers to our country as refugees. At the same time, we contribute to life-saving assistance programs which impact on millions of the world's refugees who are not eligible for our admissions program.

This document presents the President's admissions proposals for FY 1992. It is intended to initiate the Congressional consultations process set out in Section 207 of the Refugee Act of 1980 and to elicit responses from the House and Senate Judiciary Committees and others interested in refugee policies and programs. After receiving the views of the Congress, the President will determine refugee levels and allocations for FY 1992.

1. PROPOSED REFUGEE ADMISSIONS PROGRAM FOR FY 1992

A. Overview of U.S. Refugee Policy

In the resolution of refugee problems, the United States gives highest priority to the safe, voluntary return of refugees, to their homelands. This policy, embodied in the Refugee Act of 1980, is also the first priority for the United Nations High Commissioner for Refugees (UNHCR). If safe, voluntary repatriation is not feasible, settlement in countries of asylum within the region is sought as the next preferred alternative. Often, however, political differences, lack of economic resources to support large numbers of additional people, or ethnic, religious or other deep-rooted animosities prevent this option from being exercised. Finally, consideration is given to resettlement in third countries, including the United States.

The United States considers for admission persons of special humanitarian concern who can establish persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The legal basis of the refugee admissions program is the Refugee Act of 1980 which embodies the American tradition of granting refuge to diverse groups suffering or fearing persecution. The Act adopted for the purpose of our refugee admissions program, the definition of "refugee" contained in the United Nations Convention and Protocol relating to the Status of Refugees. The definition which may be found in Section 101(a)(42) of the Immigration and Nationality Act (INA), as amended by the Refugee Act, is as follows:

The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

The estimated world population of refugees and externally displaced persons is 16 million; persons displaced within their own countries by war, famine and civil unrest may equal twice that number. The United States works with other governments, and international and private organizations to protect refugees and displaced persons and strives to ensure that survival needs for food, health care and shelter are met. Under the authority contained in the Migration and Refugee Assistance Act of 1962, as amended, the United States contributes to the international activities of the UNHCR, the International Committee of the Red Cross (ICRC) and other international and private organizations which provide ongoing relief and assistance for refugees and displaced persons. The United States has been instrumental in mobilizing a community of nations to work through these and other organizations in alleviating the misery and suffering of refugees throughout the world.

The United States, aware that more than 75 percent of the world's refugees are women and young children, recognizes the special needs of this vulnerable group, particularly in the areas of protection and assistance. We support the UNHCR and other relevant international, government and non-governmental organizations in their efforts to involve refugee women in implementing programs on their own behalf. We also support the assigning of women officers to positions where they can impact favorably on the protection and well-being of women and children refugees.

We continue to press for the most effective use of international resources directed to the urgent needs of refugees and displaced persons. During FY 1991, the United States supported major relief programs in Africa, Central America, Southeast Asia, South Asia and the Near East, including the Gulf region. Contributions for these funds were made through organizations including the UNHCR, the United Nations World Food Program (WEP), the ICRC, the United Nations Children's Fund (UNICEF), and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). This support averted further human tragedy and helped sustain life by providing food and other assistance to meet the basic human needs of refugees. Details are provided in the *World Refugee Report*.

With regard to refugees resettled in the United States, the U.S. Government aims to promote economic self-sufficiency as quickly as possible, limiting the need for public assistance and encouraging refugees to contribute to the diversity and enrichment of our country as previous newcomers have done. To this end, short-term English language and cultural orientation programs for

certain groups of refugees have been established overseas to initiate the process of adapting to our complex society. Particular attention is paid to the health of refugees to ensure that communicable diseases are controlled before entry into the United States. Federally funded programs administered by the states, provide cash and medical assistance, training programs, employment and other support services to many refugees soon after arrival in the United States. These services are performed by a variety of institutional providers, including private voluntary agencies who also perform initial reception and placement services under cooperative agreements with the Department of State. All of these benefits are intended for short-term utilization during a refugee's transition to an independent, contributing member of the national economy and of American society.

TABLE I.—ESTIMATE OF U.S. REFUGEE ADMISSIONS IN FISCAL YEAR 1991

Region	Authorized levels	Adjusted levels (after reallocation)	Estimated arrivals
Africa	4,900	4,900	4,000
East Asia	52,000	53,500	53,500
Eastern Europe	5,000	7,000	7,000
Latin America/Caribbean	3,100	3,100	2,500
Near East/South Asia	6,000	6,000	5,000
Soviet Union	50,000	46,500	38,000
Subtotal	121,000	121,000	110,000
Privately funded	10,000	10,000	2,300
Total	131,000	131,000	112,300

Note.—Publicly funded refugee admissions to the United States for fisal year 1991 are expected to be approximately 110,000. Total admissions, including privately funded, are expected to total 112,300.

TABLE II.—*Proposed U.S. refugee admissions in fiscal year 1992*

Area of origin:	*Proposed ceiling*
Africa	6,000
East Asia	[1] 52,000
Eastern Europe	3,000
Latin America and the Caribbean	3,000
Near East and South Asia	6,000
Soviet Union	63,000
Unallocated	1,000
Subtotal	134,000
Unallocated (privately funded)	10,000
Total	144,000

[1] Includes Amerasian immigrants and their families who enter as immigrants under a special statutory provision but receive benefits as refugees.

NOTE.—The President proposes to respond to the humanitarian needs for refugees by establishing for FY 1992 an admissions ceiling of 144,000 refugees for permanent resettlement in the United States.

Futher to the table of proposed U.S. refugee admissions in FY 1992 (Table II), the President also proposes to specify that special circumstances exist so that, for the purpose of admission under the limits established above and pursuant to section 101(a)(42)(B) of the INA, certain persons, if they otherwise qualify for admission, may be considered as refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence. The proposed designations for FY 1992 are:

Persons in Vietnam;

Persons in Laos;

Persons in countries of Latin America and the Caribbean;

Persons in the Soviet Union.

In addition to the proposed admission of refugees from abroad, The Immigration and Naturalization Service (INS) will be authorized to adjust to permanent resident alien status 10,000 persons who have been granted asylum in the United States and have been in the United States for at least one year, pursuant to Section 209(b) of the Immigration and Nationality Act.

In the regional descriptions which follow, an overview of refugee-generating conditions is provided. In addition, voluntary repatriation, resettlement within the region, and third country resettlement opportunities are mentioned. There is also reference to refugee resettlement by countries other than the United States. More detailed information and statistics are found in the companion *World Refugee Report*.

STATEMENT ON VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS BILL CONFERENCE REPORT

Mr. SASSER. Mr. President, the Senate Budget Committee has examined the conference report on H.R. 2519, the VA-HUD-Independent Agencies appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $36.3 million and its 602(b) outlays allocation by $38.2 million.

I compliment the distinguished manager of the bill, Senator MIKULSKI and the distinguished ranking member of the VA-HUD Subcommittee, Senator GARN on all their hard work in bringing the bill to this final stage in the congressional process.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the VA-HUD appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519—VA, HUD, IA SUBCOMMITEE—SPENDING TOTALS

[Conference; dollars in billions][1]

Bill summary	Budget authority	Outlays
H.R. 2519:		
New BA and outlays	80.9	42.5
Enacted to date	0.0	39.9
Adjustment to conform mandatory programs to resolution assumptions	0.3	0.6
Scorekeeping adjustments	0.0	0.0
Bill total	81.2	83.0
Senate 602(b) allocation	81.3	83.0
Total difference	−(*)	−(*)
Discretionary:		
Domestic	63.6	61.4
Senate 602(b)	63.6	61.4
Difference	−(*)	−(*)
International	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Defense	0.3	0.3
Senate 602(b)	0.3	0.3
Difference	−(*)	−(*)
Total discretionary spending	63.9	61.7
Mandatory spending	17.3	21.3
Mandatory allocation	17.3	21.3
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	−1.2	−0.9
Senate-passed bill	−(*)	−(*)
House-passed bill	+(*)	0.1

[1] Conference report as amended in the House.

SOUTH DAKOTA/NEBRASKA HEARTLAND EXPRESSWAY

Mr. PRESSLER. Mr. President, for the past 4 years, citizens from my State of South Dakota and from the State of Nebraska have been advocating the construction of a new north-south "Heartland Expressway" that would link Interstate 90 near Rapid City, SD, with Interstate 80 near Kimball, NE. This would provide a new avenue for traffic between Denver, CO, and Rapid City, SD. I rise today to pay tribute to those who have worked hard on this project and to express my support for their visionary undertaking.

Mr. President, the House of Representatives recently included funding authorization for a feasibility study and the construction of the Heartland Expressway in its version of the Federal highway bill. I am pleased that the House of Representatives has recognized the importance of linking our cities with an efficient systems of corridors. I look forward to working with the transportation committees of both houses to ensure that this authorization is included in the final version of the Federal highway bill.

Mr. President, during my years in the Senate, I always have been a strong advocate of long-term economic development for rural States like South Dakota. The key to such development is a quality transportation system.

Large portions of many rural States do not have access to major airports, railroads, or seaports. We depend on over-the-road transportation to deliver our products to market, to transport tourists across our State, and to carry out day-to-day activities. So in a rural State like South Dakota, the importance of a sound network of good highways and roads cannot be overemphasized.

For rural States like South Dakota and Nebraska, this expressway could be a road to the future for economic growth and the revitalization. However, this expressway would benefit more than the States of South Dakota and Nebraska. Its positive economic impact could reach much farther than the immediate area.

Mr. President, if the United States free-trade agreement with Mexico becomes a reality, it will lead to increased north-south traffic through the upper Midwestern States. The flow of raw materials and finished products through the heartland of America will require a quality system of interconnected highways. An expressway linking two main interstates in the northern plains of Nebraska and South Dakota could only make our efforts in transnational trade more efficient.

Another aspect of economic development that relies heavily on a quality transportation system is the tourism industry. Although the population of South Dakota is only 700,000, our tourism industry has a nearly billion-dollar

economic impact. Mount Rushmore itself attracts more than 2 million visitors to the Black Hills of South Dakota every year.

So I cannot overemphasize the importance of this project for the economic development in my State of South Dakota. I look forward to working with the various community leaders in South Dakota and Nebraska, and my colleagues in the Senate and House of Representatives in making this project a reality.

Mr. President, I ask unanimous consent that an article on the Heartland Expressway from the Rapid City Journal be placed in the RECORD following my remarks.

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

INTERSTATE LINKUP

TRANSPORTATION BILL CONTAINS FUNDS FOR STUDY OF WESTERN EXPRESSWAY

(By Rachel Spector)

WASHINGTON.—South Dakotans one day may journey down the four-lane "Heartland Expressway" from Rapid City to Denver if newly introduced House legislation passes.

The Heartland Expressway (known locally as the Western Expressway), which would connect interstate 90 in Rapid City to interstate 80 in Nebraska—and from there to Denver—has been in the planning stages for several years.

Now, in an effort to spur economic development in certain areas, the House Committee on Public Works and Transportation wants to make the construction of designated highways the centerpiece of its $153.5 billion transportation bill, which includes a 5-cent gasoline tax to help pay for the projects.

The proposal includes money to study the Western Expressway.

The committee does not yet have exact figures for each project, according to a committee staffer, but the entire highway allotment totals $121.5 billion. The legislation provides for a federal-state match of 80/20 for all programs except Interstate construction and repairs, which will remain at 90/10.

Funds first would be channeled into a feasibility study for the corridor, said Chuck Vanderziel, an economist at the Black Hills Council of Local Governments and coordinator of the expressway task force. Right now, the states of South Dakota and northeast are prepared to put $200,000 into the study in return for $800,000 from the Federal Government, Vanderziel said.

"This is just a first step, but it's a very important first step," said Vanderziel of Rapid City. "You always have to have this sort of study, whatever you do."

Vanderziel predicted that not only tourism but also commerce and industrial development likely would increase with better access to four-lane highways.

The Black Hills County Commissioners Association unanimously approved a resolution supporting the expressway at its meeting in Buffalo Friday.

"Everyone is very excited about our placement in the reauthorization bill," said Pennington County Commission Cheryl Kandaras of Rapid City. "It's no time to rest on our laurels. It's going to be a very long road through Congress."

According to Jim Jensen, director of planning at the South Dakota Department of Transportation, the entire portion of the highway in South Dakota would span 83 miles and cost approximately $146 million, or $1.8 million per mile.

If federal funding for the project remained part of the normal trust fund appropriations, rather than offered as a special allotment, then the state would be able to match its 20 percent without eventually having to raise taxes, Jensen said.

Linking I-90 and I-80 would give travelers the ability to go from Rapid City to Denver on four-lane highways, Vanderziel said.

Earlier plans called for a four-lane highway from Rapid City through Scottsbluff, Neb., and then to Limball, Neb., and then across I-80 to Fort Morgan, Colo., which is connected to Denver by the four-lane I-76. Now the plan is to build a four-lane from Rapid City to Scottsbluff. The northeast Legislature already has authorized building a four-lane road from Scottsbluff to Kimball. From there, travelers could take I-80 west to Cheyenne, Wyo., and then I-25 social security to Denver, Vanderziel said.

The legislation could run into difficulties in the Senate. The Senate proposal totals only $123 billion, $96 billion of which is designated for highways, and does not include a gasoline tax.

HONORING CONGRESSMAN ED PASTOR

Mr. DECONCINI. Mr. President, today is a historic day in Arizona politics. For the first time, Arizona will have a Hispanic serving in the U.S. House of Representatives. ED PASTOR, a native Arizonan, took the oath of office this morning as the Congressman for the people of the Second District in Arizona, the district that Mo Udall served so well for 30 years.

I have known ED PASTOR for many years. As a member of the Maricopa County Board of Supervisors, ED established as a hallmark of his political career the ability to stay in touch with the community. Whether it was serving on the Board of Directors for National Association of Counties, the Phoenix Economic Growth Corp., or as a member of the advisory board of the Phoenix Boys Club, ED has remained a man of the people.

Has election to Congress holds special meaning for many people. For the people of Gila County, ED becomes the latest in a distinguished line of politicians to come from the Miami-Globe area. Gov. George P. Hunt, Gov. Rose Mofford, State Senator Alfredo Gutierrez and Congressman ESTEBAN TORRES and just a few prominent statesmen from the area. Perhaps it is the work ethic demonstrated by the copper miners that inspired these individuals to careers in public service, but whatever the cause, Arizona has been fortunate to have them as leaders.

For the 620,000 Hispanic residents of Arizona, it will be the first time that Arizona will have a Hispanic in Congress. Hispanics have made great inroads in politics, with Hispanic mayors, legislators, Governors, and Congressmen being elected with increasing frequency. Hispanics in Arizona account for nearly 20 percent of the population, so it is time that the delegation representing Arizona includes a Hispanic. ED PASTOR has worked hard for the Arizona Hispanic community. Cambio! magazine honored him as the 1990 Hispanic politician of the year. He was a founding member of Los Diablos, the first Hispanic Alumni Association at Arizona State University. His activities in the Southwest Voter Research Institute led to an invitation to visit Nicaragua in February as part of a delegation of Hispanic leaders observing that country's elections. The election of ED PASTOR to Congress sends a strong message that Hispanics are a part of this country's political future, and that their voice will be heard.

But, Mr. President, the people who are most proud are the friends and family of ED PASTOR. As a young man growing up in Claypool, his parents, Enrique and Margarita, provided him with encouragement and the support to continue his education at a time when few Hispanics went beyond high school. Many people contributed to his campaign. But their contributions went beyond money and time. ED waged a hard campaign driven by a strong grassroots effort and the help of many volunteers. His wife, Verma and their two daughters, Yvonne and Laura, his sister, Eleanor and her son, Carlos, and countless others who have been with ED throughout his career looked on with great pride and hope watching from the House Gallery as he took the oath of office. ED PASTOR'S victory last week is one that will be shared by many people, and one that will not soon be forgotten.

I congratulate and welcome this newest Member of Congress with great enthusiasm. I look forward to working with him on issues of concern and importance to the people of Arizona.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,392d day that Terry Anderson has been held captive in Lebanon.

Today in London friends and relatives of former British hostage John McCarthy gathered with Mr. McCarthy, Prime Minister Major and Archbishop Runcie to celebrate McCarthy's release and to remember the men and women still in captivity. Mr. President, I ask unanimous consent that a Reuters article by Kate Dourian reporting the occasion be printed in the RECORD at this time.

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

MCCARTHY, CHURCHMEN, POLITICIANS VOW TO WIN RELEASE OF HOSTAGES

(By Kate Dourian)

LONDON, October 3, Reuter.—Former British hostage John McCarthy, churchmen and politicians vowed on Thursday to keep up

pressure until all hostages held in Lebanon had been freed.

McCarthy, a television journalist freed in August after nearly five years in captivity in Lebanon, led a church service attended by Prime Minister John Major to celebrate his release and to remember the hostages left behind.

Friends and relatives of McCarthy wore yellow ribbons and promised to keep the candles burning at St Bride's, the journalist' church, until all hostages were free.

"We should have this church determined to play our part to end this barbarous obstacle to peace in what was once called the holy lands," former Archbishop of Canterbury Robert Runcie said.

Runcie's own envoy Terry Waite disappeared in Lebanon in 1987 while on a mission to rescue hostages in Lebanon and he remains the only British hostage still held by pro-Iranian groups there.

McCarthy's friends kept a single candle burning throughout his captivity in Lebanon.

There are now 12 candles. One for each of the nine Westerners still in Lebanon, one for Lebanese prisoners in Israel, one for missing Israeli servicemen and a 12th for British journalist Ronsanna Della Casa, missing in northern Iraq.

Sgt David Say, nephew of U.S. hostage Terry Anderson, the longest held captive in Lebanon, read out the names to the congregation, who included relatives of the other hostages.

The rector of St Bride's, Canon John Oates, said the candle of "understanding, of hope and of ultimate peace" would continue to burn until all the hostages are free.

After Major read a passage from John Tennyson's poem Ulysses, McCarthy stood at the lectern and recited from Konstantin Simonov's poem "Wait for Me."

"And when friends sit around the fire drinking to my memory, Wait, and do not hurry to drink to my memory too. Wait, for I'll return, defying every death," he read, as father Patrick, brother Terence and girlfriend Jill Morrell sat with heads bowed.

A moving moment came when the choir sang Haydn's "Et Resurrexit," a favourite of McCarthy's mother Sheila when she used to come to St Bride's to pray. She died without seeing her son again.

A piece of paper propped up beside the burning candles lists the names of the remaining hostages. One, that of former pilot Jack Mann, has been crossed out in pencil.

Mann, 77, was freed last week but was unable to attend the service. He sent a message through Runcie saying he would be there in spirit.

Runcie exhorted the congregation to pray "for all those caught up in the mess of the Middle East." He said the unbowed spirit of the released captives and reports that Waite had kept up his humour while in captivity showed that "the captives have shown themselves freer than the captors."

REPEALING U.N. GENERAL ASSEMBLY RESOLUTION 3379

Mr. MOYNIHAN. Mr. President, yesterday the Senate gave its unanimous approval to Senate Joint Resolution 110, calling on the United States and the Soviet Union to lead the effort to promptly repeal U.N. General Assembly Resolution 3379. This clearly demonstrates the great interest of the Senate in the prompt repeal of this infamous resolution. My colleagues may, therefore, be interested in an editorial I wrote for the Washington Post concerning the history of this odious resolution. I ask unanimous consent that the editorial be printed in the RECORD at this time.

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

[From the Washington Post, Sept. 29, 1991]

BIG RED LIE

(By Daniel Patrick Moynihan)

On Monday last, in as fine an address as any American statesman will ever give, George Bush called for the United Nations to undo one of the most sordid acts of the age of totalitarianism: the 1975 resolution declaring Zionism to be a form of racism. In effect, it was a resolution to deny the state of Israel the right to exist.

If you would take the measure of just how monstrous that event was, you need only consult the news reports of the president's address. Without exception, so far as I know, Resolution 3379 is described as an Arab initiative.

It was nothing of the sort. It was a calculated lie of the Communist Party of the Soviet Union that began in the age of Stalin and culminated in a two-part article in Pravda Feb. 18–19, 1971, an article that asserted, among other things, "The tragedy of Babi Yar will forever be a reminder not only of the monstrous barbarity of the Nazis but also of the indelible disgrace of their accomplices and followers—the Zionists."

The author was one Vladimir Viktorovich Bolshakov, then or shortly thereafter head of the paper's international department. An English-language pamphlet followed promptly.

Today is the 50th anniversary of the massacre at Babi Yar. Just possibly the time has come when we can deal with the Holocaust—can "accept" it, "absorb" it or however it is the psychologists put it. For my part I can report that I never came near to understanding it until I encountered the Zionism resolution.

I was our U.N. ambassador at the time. The motion appeared as from nowhere in October 1975, in what is known as the Third Committee, which is to say the political committee. There had been faint rumblings of it—something floating about at the World Conference of the International Women's year, held in Mexico City that summer—but no real warning.

When the resolution appeared, our representative, Leonard Garment, spoke up hard on Oct. 3. The new Israeli ambassador, Chaim Herzog, was furious and fierce. We hadn't a third of the vote behind us. I went over and hugged him and said "— 'em," which was as much as I knew or understood of the situation.

We waited for State Department instructions. None came. We called Herzog. He had none either. Nor was there any outcry from the Jewish organizations in New York.

The first break finally came from William Korey, then director of the international affairs department of B'nai B'rith. He told Suzanne Garment, a member of our delegation, of the Pravda article.

After a little more digging, a historical pattern emerged. It went back as far as 1952, when Rudolph Slansky, then general secretary of the Czechoslovak Communist Party, was charged with Zionist connections, and confessed. By 1975 it had become common for Soviet television to show David Ben-Gurion's face superimposed on that of Hitler. On newsreels, footage of marching Israelis would be followed by marching Nazi stormtroopers.

The origins of this escalating campaign were complex. The disappearance of ethnic and religious attachments was central to Marxist prediction, but things weren't working out that way. The Israeli victory in the Six Day War of June 1967 generated great enthusiasm among Soviet Jews. Could the Ukrainians, they must have wondered, be far behind? Strong measures were called for.

What none could predict, certainly not a hack such as Bolshakov (now, incidentally, head of the Paris bureau) was the impact the charge would have.

At President Ford's personal direction, I lobbied vigorously against the measure when it came to the floor of the General Assembly. Herzog raised a storm of his own. A Belgian motion to adjourn almost succeeded, but on the final vote, we lost 2 to 1, and silence fell.

An Orwellian coup had occurred at the United Nations. The place that had been the embodiment of liberal expectation after World War II had moved toward totalitarianism: the inversion of truth, the Big, Big Lie—this was now the language of the General Assembly.

Even those who should have understood backed off from the fight. Ten days after the vote, my wife was seated at a formal dinner next to the French ambassador, who allowed that the resolution would never have passed if the American statement had not been so "confrontational." In point of fact, with that in mind, I had spoken after the vote.

After it was over, silence fell, or near silence. No one wanted to talk about Zionism and racism. The totalitarian effect took hold: Don't fight; it's hopeless. It even seems to have prevailed in Israel, where, so far as I am aware, nothing much was written.

In 1979 The President's Commission on the Holocaust visited Babi Yar in Kiev. Elie Wiesel was chairman. They were taken, as he describes it, to the "huge, ugly, blasphemous" memorial the Soviets had finally put up. He could not contain his shock, his anger. There was no mention of Jews. Now, this is Elie Wiesel, a survivor of the camps, the incomparable, unflinching witness to what totalitarianism can do, and yet he had never heard of the Pravda articles, the charge that Babi Yar was a collaboration of the Gestapo and the Zionists. Nor, evidently, had anyone with him. Like the Holocaust itself, it was somehow too horrible to know.

Now, finally, that long night has lifted. Two weeks ago, Wiesel was in Kiev, where Ukraninian President Leonid Kravchuk pledged to him that the Ukraine would vote to rescind the Zionism resolution. This past Wednesday, in Washington, Kravchuk met with senators and repeated this pledge, adding that the Ukraine had been "the" Soviet sponsor of the resolution back in 1975. This is something that appears all across what was once Soviet society: the need to face up to the lies, somehow to exorcise that past.

Presidents Bush and Kravchuk will need help. The gentlest thing to say about the U.S. State Department is that it has been indifferent to the issue from the first. I have been in the Senate 15 years now. We have enacted four statutes calling for the repeal of Resolution 3379. I have never once heard from the State Department acting on its own; never once heard of an embassy told to take the matter up with, say, Mexico, as we get into trade discussions, or say, Cameroon, during aid discussions.

The Arabs need help in this regard, too. They were not above accusing Jews of racism—such talk began to appear in their documents in the 1960s—but the Zionism resolution was not their initiative. The lead sponsor was Somalia, then a wholly owned subsidiary of Moscow. The Arabs went along, of course, but none of them whooped it up the way Guyana did—to cite one example.

Let the Arabs, then, vote to rescind now, or if they can't do that, just stay away when the matter is reconsidered. We can count on the three current Soviet votes, plus three new Baltic delegations. All of Europe will be with us. China doesn't matter. As for the nonaligned: Announce we will close our embassy in each and every country that votes no. And as for the U.N.: Do this, and you just may have a part to play in the next millennium.

A TRIBUTE TO MR. AND MRS. REGINALD LOISELLE

Mr. MOYNIHAN. Mr. President, I rise to salute the occasion of the 60th wedding anniversary of Reginald and Adrienne Loiselle of Beverly, MA. They were wed 60 years ago this day in Manchester, NH. I have good reason to note this event, as I have in a way so benefited from this happy union. Mr. and Mrs. Loiselle are the parents of my longtime special assistant and secretary in my New York office, Lucille Loiselle.

But they have even more to be proud of. Son Robert is a teacher in the Beverly High School system and had the great honor of being selected by the student body as Superteacher. Their daughter Jocelyn is married and is a registered nurse in Fresno, CA. Another daughter, Conni, is an actress and singer in western Massachusetts. They also have 11 grandchildren and 3 great grandchildren.

Mr. and Mrs. Loiselle were always closely involved in their children's lives, as good parents should. Mrs. Loiselle served on the mother's committee of St. Mary's School, which all her children attended. Mr. Loiselle was very active in helping the youth of the community. He served as an original committee member and former manager of the St. Mary's Cardinals, the drum and bugle corps of which all his children were members. His service was so appreciated in Beverly that he was named the town's Senior Citizen of the Year in 1986.

Mr. President, on behalf of my colleagues, I would like to extend great congratulations to Mr. and Mrs. Loiselle on their anniversary. I would also like to wish Mrs. Loiselle a very happy birthday. She is 80 tomorrow. May they enjoy a splendid celebration in the company of friends and family, and happy years to come.

THE MISTREATMENT OF BURMESE BY THAILAND

Mr. MOYNIHAN. Mr. President, I note that today the Foreign Minister of Thailand, Asa Sarasin, has arrived for a visit to the United States.

The Minister comes as the representative of a military junta which overthrew the democratically elected government of that nation. And it is a junta which has yet to hold new elections, as it has promised it would. The United States has suspended all assistance to Thailand in the wake of the military takeover.

Indeed, it would seem to be apparent that bilateral relations with Thailand are in their lowest state ever, and I see no immediate prospect for improvements. Trade relations with Thailand are strained, and section 301 investigations against Thailand's piracy of United States intellectual property are ongoing. Narcotics cooperation is nonexistent. Relations are also strained over Thailand's patronage of that most brutal military junta in Burma.

As Foreign Minister Asa visits, I would draw his attention to a recent report by Amnesty International, an organization of the greatest integrity, of the flagrant violations of international standards by Thai authorities in the treatment of Burmese refugees.

I ask unanimous consent that the report by Amnesty International be printed in the RECORD.

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

[From Amnesty International, August 1991]

THAILAND: CONCERNS ABOUT TREATMENT OF BURMESE REFUGEES

Burmese refugees in Thailand have no effective and durable protection against being forcibly returned to Myanmar (formerly Burma) where they fled from large-scale human rights violations. Also, they are being arrested and detained contrary to international human rights standards for the protection of refugees. There have been several instances in which Burmese refugees have been severely ill-treated in Thai detention centers. International organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) have been unable to prevent the Thai authorities flagrantly violating these international standards. In the absence of proper protection of their human rights. Burmese refugees are compelled to resort to bribery and cooperation with Thai military intelligence and security agencies to attempt to ensure their continued presence in Thailand.

Amnesty International opposes the forcible return of any person to a country where they risk being imprisoned as a prisoner of conscience, or subjected to torture, "disappearance" or execution. The forcible return of refugees to Myanmar is a direct contravention of the internationally-recognized principle of non-refoulement.

Since 1988, when mass civil unrest erupted in Myanmar and was violently suppressed by the military government, thousands of Myanmar nationals have fled to Thailand to escape large-scale human rights violations. In Myanmar the ruling State Law and Order Restoration Council (SLORC) continues its large-scale arrests of anyone publicly criticizing or opposing military rule. Reports of torture and ill-treatment of prisoners continue.

In recent months, Thai immigration and other police authorities have arrested increasing numbers of Burmese refugees for "illegal immigration", and have formulated plans for detaining them in a special camp. They have not forcibly returned refugees to Myanmar, but on at least three occasions in the first half of 1991 have done so by closely escorting refugees to the Myanmar border, where some of them were arrested by the Myanmar authorities.

Since January 1989 Amnesty International has repeatedly urged the Thai Government not to forcibly return refugees to Myanmar. The organization remains gravely concerned that Burmese refugees are being deported to Myanmar against their will, and with no consideration given to the risks of serious human rights violations they face in Myanmar.

This report summarizes a 17-page document (6604 words), "Thailand: Concerns About Treatment of Burmese Refugees" (AI Index: ASA 39/15/91), issued by Amnesty International in August 1991. Anyone wanting further details or to take action on this issue should consult the full document. International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.

THAILAND: CONCERNS ABOUT TREATMENT OF BURMESE REFUGEES

INTRODUCTION

Burmese refugees in Thailand have no effective and durable protection against being forcibly returned to Myanmar (formerly Burma) where they fled from large-scale human rights violations. They are being forcibly returned to Myanmar despite the fact that they risk being subjected to serious human rights violations in that country, and in direct contravention of Thailand's international obligations. Also, they are being arrested and detained contrary to international human rights standards for the protection of refugees. International organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) have been unable to prevent the Thai authorities flagrantly violating these international standards. In the absence of proper protection of their human rights, Burmese refugees are compelled to resort to bribery and cooperation with Thai military intelligence and security agencies to attempt to ensure their continued presence in Thailand.

Since 1989 or before the Thai authorities have been arresting and detaining Myanmar nationals for "illegal immigration". Those who cannot afford to pay off the police and who do not establish sufficiently good relations with the Thai military and security agencies are increasingly vulnerable to indefinite detention in Thailand. There have been several instances in which Burmese refugees have been severely ill-treated in Thai detention centres. They are also increasingly in danger of being forcibly returned to Myanmar, where they risk detention on political grounds without charge or trial, unfair political trial, and torture. Some may also risk being imprisoned for long periods for the peaceful exercise of their human rights, notably the right to freedom of assembly and expression.

Amnesty International opposes the forcible return of any person to a country where they risk being imprisoned as a prisoner of conscience,[1] or subjected to torture, "disappear-

[1] A prisoner of conscience is a person detained or otherwise physically restricted by reason of his/her political, religious or other conscientiously held be-

ance" or execution. Amnesty International believes that any Myanmar national who has been politically active and is forcibly returned to that country is at risk of such human rights violations there. Burmese refugees deported by the Thai authorities in the past have suffered such human rights violations after their forcible return to Myanmar.

Many more are not threatened with forcible return. At least five Burmese who have been forcibly returned from Thailand to Myanmar are believed to remain in detention there because the Myanmar authorities suspect they may be political activists.

The forcible return of refugees to Myanmar is a direct contravention of the internationally-recognized principle of non-refoulement, which, as set out in Article 33 of the 1951 Convention relating to the status of Refugees, states:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Although Thailand has not acceded to the 1951 Convention, this principle of non-refoulement is recognized by the international community as a norm of general international law, binding on all states, irrespective of whether they are party to the 1951 Convention itself.

An essential component of the non-refoulement principle is the obligation upon all states to undertake the task of identifying which persons are entitled to protection. In order to ensure that people at risk of serious human rights violations are protected against refoulement, states must establish and allow asylum-seekers access to a fair and impartial procedure for determining the merits of their asylum claim. The Thai Government has not established any procedure whereby asylum-seekers from Myanmar can present their reasons for fearing a forcible return to Myanmar.

Amnesty International is also concerned about the detention of Burmese refugees in Thailand. The Thai authorities routinely detain Burmese refugees as "illegal immigrants". However, under international standards for the protection of refugees, such as those set forth in Conclusion 44 of the Executive Committee of the Programme of the UNHCR, "illegal immigration" is not in itself a legitimate reason for the detention of refugees. Thailand was a member of this Executive Committee which passed Conclusion 44 by consensus. In addition, the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that in any case where a person is detained they must be given a prompt, fair, individual hearing before a judicial or similar authority whose status and tenure afford the strongest possible guarantees of competence, impartiality and independence. The procedure used by the Thai authorities to detain Burmese refugees as "illegal immigrants" falls short of these international standards.

The United Nations High Commissioner for Refugees (UNHCR) branch office in Bangkok has recognized 1.426 Myanmar nations as "persons of concerns" to the organization under this mandate (May 1991 figures). UNHCR's mandate, set out in its Statute, describes a refugee of concern to that organization is being one who:

"* * * owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable, or, owing to such fear, * * * is unwilling to avail himself of the protection of that country * * *"

In the past UNHCR issued "letters of concern" to those asylum-seekers from Myanmar whom it recognized as refugees after an application and interview. However, in late 1989 the Thai authorities requested that UNHCR no longer issue the letters, and UNHCR ceased issuing them. The Thai authorities continue to arrest and detain Burmese asylum-seekers, whether or not they are recognized by UNHCR as "persons of concern". Moreover, Burmese "persons of concern" run a greater risk of being arrested and detained indefinitely by the Thai authorities than Burmese "illegal immigrants". "Persons of concern" are sometimes held back from deportation because UNHCR has requested that they not be returned. If immigration officials comply with this request, "persons of concern" remain indefinitely in Immigration Detention Center (IDC) or other prisons, and they often prefer to risk being returned to Myanmar in the hope of escaping during their return.

SOURCES

Amnesty International bases its findings on first-hand testimonies given during detailed interviews of Burmese refugees conducted in June and July 1991. All of those interviewed had been imprisoned for "illegal immigration" at least once by the Thai authorities, and all but two have been recognized by UNHCR as "persons of concern". (Of the two who were not yet recognized by UNHCR, one was appealing the decision to UNHCR and the other was waiting for an interview.) Those who gave testimonies to Amnesty International expressed fear that they would be rearrested and deported to Myanmar. In the material that follows Amnesty International has therefore omitted details that could identify its sources.

All of those who gave testimonies had been students or were young people who were politically active at the time of the 1988 mass demonstrations calling for an end to 26 years of one-party military rule in Myanmar. Several of them were arrested for political reasons during the military crackdown on opposition activities, some of whom were subjected to torture and ill-treatment. Most of the refugees left Myanmar shortly after the coup of 18 September 1988, although one left as late as early 1991. In their testimonies the refugees mentioned a total of 68 other asylum-seekers who had been arrested with them in Thailand. Amnesty International also gathered information from people who had witnessed arrests, detention conditions, and deportations of Burmese refugees.

BACKGROUND INFORMATION

Since 1988, when mass civil unrest erupted in Myanmar and was violently suppressed by the military government, thousands of Myanmar nationals have fled to Thailand to escape large-scale human rights violations. In Myanmar the ruling State Law and Order Restoration Council (SLORC) continues its large-scale arrests of anyone publicly criticizing or opposing military rule. Reports of torture and ill-treatment of prisoners continue. Although the National League for Democracy (NLD), Myanmar's largest opposition party, won over 80% of the seats in the May 1990 parliamentary elections, the SLORC has not announced a timetable for the transfer of power to a civilian government. Instead it has arrested at least 45 NLD elected members of parliament, mostly in connection with plans to establish a counter-government, and has subsequently sentenced many of them to long prison terms. As these mass arrests were taking place, several elected members of parliament fled to the Thai border because they believed they could no longer be politically active except in areas controlled by armed opponents of the SLORC. They formed an opposition National Coalition Government of the Union of Burma (NCGUB) on 18 December 1990 in insurgent-held territory within Myanmar.

In recent months, Thai immigration and other police authorities have arrested increasing numbers of Burmese refugees for "illegal immigration", and have formulated plans for detaining them in a special camp. They have not only forcibly returned refugees to Myanmar, but on at least three occasions in the first half of 1991 have done so by closely escorting refugees to the Myanmar border, where some of them were arrested by the Myanmar authorities. However, members of Burmese anti-government political organizations that operate in Thailand with the authorization of local or national Thai military authorities generally appear to be exempt from arrest, detention, and deportation. It is the members of other organizations and those Burmese who are not affiliated with a particular group who are at greatest risk.

These increasing arrests followed an incident in November 1990 in which two Myanmar nationals who had fled to Thailand hijacked a Thai airliner to India. Myanmar nationals also seized a Thai fishing boat near Ranong Province in December 1990 and destroyed the vessel when they were not paid ransom. No one was injured in either of these incidents. The hijackers were arrested in India, and those who destroyed the Thai fishing boat are believed to be living along the Thai-Myanmar border, where they are understood to reside with the knowledge of local Thai military agencies.

A site was chosen for a temporary holding centre for Burmese students after the hijacking of the Thai Airways airplane to India. Recent reports indicate that plans for a temporary holding centre (or "safe area") for Burmese refugees are going ahead in Raatchaburii province. A Thai National Security Council spokesperson recently stated that the camp was not intended as "confinement", and that the students would receive education and vocational training there. However, Amnesty International is concerned that the detention of Burmese refugees in such a holding centre might be contrary to international human rights norms. If they are held only on account of their "illegal immigration" and if there is not opportunity for the refugees to have their detention reviewed in accordance with international standards.

While recognizing Thailand's right to detain and try people accused of recognizably criminal acts. Amnesty International has sought and continues to seek assurances from the Thai Government that no asylum-seeker from Myanmar will be detained in a manner contrary to international standards relating to the protection of his or her human rights. Moreover, since January 1989 Amnesty International has repeatedly urged the Thai Government not to forcibly return refugees to Myanmar. The organization remains gravely concerned that Burmese refugees are being deported to Myanmar against their will, and with no consideration given to the risks of serious human rights violations they face in Myanmar.

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liefs or by reason of his/her ethnic origin, sex, colour or language, provided that he/she has not used or advocated violence.

ARREST AND DETENTION

Most arrests of Burmese refugees documented by Amnesty International took place in Bangkok and surrounding areas from February 1990 until July 1991. However the Thai authorities arrest Burmese refugees in border areas as well. Arrests are made by both local police officers and immigration police officers. Refugees are arrested in their homes or on the streets and are often arrested in groups.

Burmese refugees are sometimes arrested near the office of the Foundation In Support of Refugee Assistance Programs in Thailand (FISRAPT), the agency which provides social services to "persons of concern" to UNHCR. One refugee interviewed by Amnesty International described such an arrest:

"I was arrested on the road on 7 February 1991 on the corner of Sutthiinsaan Road with seven other students, not far from the FISRAPT office at about 2.30. Three plain clothes immigration police came and arrested us. The police asked for our passports, but we didn't have them so we showed the UNHCR letter of concern. They said. 'Please come and meet our boss for a while'. We were taken directly to IDC [Immigration Detention Centre]. We were just walking down the street when we were arrested. The police watch the students near the FISRAPT office on their way back from attendance registration day."

The treatment of one Burmese refugee who was arrested in February 1991 with a friend on the street in the Lard Prao area of Bangkok is also typical of the testimonies obtained by Amnesty International.

"Four policemen came and asked 'Are you Burmese?' They were regular police from Lard Prao. We replied yes and [my friend] showed his UNHCR letter of concern to the police but it didn't do any good. The policeman said that he could't read it and threw the letter away."

The reason usually given by the arresting authorities for their arrest is "illegal entry into Thailand". However, sometimes the police simply tell Burmese that they are "no good". One woman interviewed by Amnesty International described her arrest in late November 1990:

"I asked the police. 'Why are you arresting us?' and they said, 'You are Burmese students, and two Burmese students hijacked the Thai Airways plane'. I said, 'That had nothing to do with us', but they said 'You are Burmese students and they are not good'."

In most cases Burmese arrested in the Bangkok area are taken to the Suan Phlu Immigration Detention Centre (IDC) after having spent a brief period in a local police station lock-up. Shorty after arrival at IDC, prisoners are usually taken to a local court and sentenced to terms of imprisonment for "illegal immigration" ranging from 21 to 70 days. However, most of them have remained in detention for longer periods—up to 6 months. Prisoners were not provided with legal counsel, and they were often not allowed to contact the local UNHCR office, as is required by international standards on the detention of refugees and asylum-seekers. In all of the cases documented by Amnesty International, none of the prisoners were provided with translation services either at the time of their arrest or during their sentencing. In one case the prisoner did not understand anything that was said to him during his hearing. He did not learn that he was sentenced to two months' imprisonment until he was told by another inmate on his return to prison.

During their hearings, refugees are not allowed to cite the fact that they are seeking asylum as a defense against the charge of "illegal immigration". They are not provided with the services of a lawyer. Moreover, because there is no provision under Thai law for seeking asylum there, it is impossible for them to apply for refugee status, either before, during or after their detention.

One detained refugee told Amnesty International about his hearing:

"[The judge] read out the charge and it was 2,800 baht—there was no chance to respond or defend ourselves. It was just like watching a movie. We were sentenced to 40 days. No lawyer or UNHCR officer was present. It only took five minutes and we were handcuffed and taken back to IDC."

Prisoners who can afford the pay a 2,800 baht (25 Thai baht is approximately equivalent to $1.00 US) fine do not always have to complete their sentences, and they may be deported if they can pay the transportation costs. However, it is reportedly routinely necessary to pay a bribe if a prisoner is to ensure release and that upon release he or she is not handed over to the Myanmar authorities. Over half of those interviewed by Amnesty International paid money to Thai officials to facilitate their release from IDC and/or to prevent forcible return to Myanmar.

ILL-TREATMENT WHILE IN THAI DETENTION

Burmese refugees who had been imprisoned in Thailand told Amnesty International of beatings, lack of medical care, crowded conditions, and poor sanitation. The organization was told of the case of one former prisoner who, after his release, died of malaria for which he did not receive proper medical treatment while detained.

On two occasions prisoners were beaten during or immediately after arrest. One refugee was slapped on the back of the head three times by a police officer at the Bangkapi police station in June 1991. The officer struck him after he accused the prisoner of attempting to make a phone call to UNHCR, which the refugee said he in fact had not tried to do. In another incident two refugees were arrested late at night in December 1990, and were beaten severely at the time of their arrest.

"Two policemen came up on a motorcycle and asked us for passports—they were drunk—we could smell it. We showed them our letters of concern. The policemen in the meantime started beating [my friend] with the butt of a pistol. The police said, 'You are Burmese' * * * [my friend] was cut on the elbow and left eye. The police called more policemen, and 16 more arrived. They all beat both of us. They beat me all over the body—I lost consciousness—I don't know how I got to the police station. They kicked us with boots ad punched us with their fists. We tried to run from the police and that is one reason they may have beaten us. * * * According to a newspaper report, we tried to grab their weapons * * * also because of the two Burmese who hijacked the plane. In fact we did not try to grab their weapons, there were too many."

Two women refugees who were interviewed expressed fears about treatment in detention because they had witnessed beatings of other Burmese held for "illegal immigration", and one said she had been beaten herself when she tried to intervene. The victims of such beatings included Burmese sold into prostitution through deals between Myanmar authorities and Thai brothel operators. In March 1991 police at IDC tried to force three female Burmese detainees to return to a brothel where they had been made to work as prostitutes. The brothel owner had come to pay fines for their release, but the women refused to go with him. They appealed to one of the other women detainees, interviewed by Amnesty International, who then asked the police not to take them. She told Amnesty International the police kicked her in the abdomen so forcefully that she fell over backwards. She said that they beat the three women as well. One was repeatedly slapped in the face until it became swollen, and was also dragged across the floor. None of the women was given any medical treatment.

Another woman interviewed by Amnesty International had been detained in a women's prison before she was moved to IDC in Bangkok. She reported that women prisoners were both hit by the guards and beaten with batons. When one of them complained about discrimination against Burmese women, she was struck very hard three times on the back of her head. The police officer then told the Burmese prisoners that if they complained again all of them would be beaten.

On another occasion several Burmese refugees detained at IDC were severely and repeatedly beaten. On 29 January 1991, some 30 Burmese prisoners began hitting the iron bars of IDC Room Four to protest their continued detention and lack of water in that cell. Police officers approached the cell, and the prisoners asked to speak to the Commander of IDC. The guards returned with 20 Burmese trustees of "Indian"[2] origin armed with batons, who refused to beat the prisoners once they realized that they were Burmese. The trustees were taken back to their cell, and 20 police guards, some in plain clothes, returned. The police then dragged about 20 Burmese prisoners downstairs after having handcuffed them.

Two prisoners were taken first into a room: One of them describes their treatment:

"They pushed both of us on the floor; four policemen and two trustees * * * they handcuffed us with our arms above our head face down on the floor and they started beating our backs. We could not remember how many times they hit us—three batons were broken in the process. They then took us outside and we saw [two others], and [one] had a head injury, his head was bleeding * * * all of the four of us were sent to room 2, and they continued the beating on the way * * * we received no medical care."

One prisoner reportedly had his nose broken, and several were beaten all over their bodies. Another prisoner was hit so forcefully with a baton that he lost consciousness for five minutes until the guards threw water on his face. Prisoners were beaten on the back with batons, punched in the face, and kicked with boots in the chest. A total of nine prisoners were beaten over a period of two days. None of those beaten received any medical attention for their injuries, which included swelling, cuts, and bruises. The prisoners were later separated into three different rooms. Although the UNHCR branch office in Bangkok made strong representations protesting the beatings to the Thai authorities, to Amnesty International's knowledge, there has been no official investigation into the incident.

Conditions for refugees held in police station lock-ups and at IDC were consistently reported to be crowded, with rooms often holding double their capacity. Prisoners suffered from a lack of proper medical care, and

[2] The term "Indian" is used by Burmese to refer generally to people from or descendants of people from South Asia, including Indians, Bangladeshis, Pakistanis, Sri Lankans and others.

in several instances detainees seriously ill with malaria did not receive any treatment. One imprisoned Burmese refugee described conditions in a local police station lock-up:

"We couldn't sleep well because the room was so crowded. We got a skin infection but the police didn't give us any medicine. We were allowed no visitors, and the visitors couldn't leave anything for us. One was seriously ill so we called the police so they admitted him into the hospital—he was nearly unconscious and couldn't walk. The patient was handcuffed and I was handcuffed—I carried him on my back * * *. They took the patient to the hospital by car. They tied the prisoner's legs to the bed and his hands to the bed with an iron ring."

FORCIBLE RETURN OF BURMESE REFUGEES

Thai immigration authorities routinely deport Myanmar nationals who have been detained in Thailand. Among these are refugees at risk of a wide range of human rights violations in Myanmar. On several occasions refugees and other Burmese deportees have been able to give money to Thai officials or to boatmen to facilitate their return to Thailand before they are taken into the custody of the SLORC. However, at least five Burmese who have been forcibly returned are thought to remain in prison in Myanmar because SLORC officials suspect they are political dissidents. Amnesty International considers them to be at grave risk of torture and ill-treatment, and imprisonment for political reasons without charge or trial, or after unfair trials. In one case Amnesty International believes that the prisoner has already been subjected to ill-treatment.

Amnesty International has gathered firsthand testimonies of six deportations occurring between July 1990 and June 1991, from Raatchaburii, Ranong and Kanchanaburi provinces. With one exception, all of the Burmese interviewed by Amnesty International were forcibly returned by the Thai authorities after having been detained for "illegal immigration". One, who was taken into Burmese Special Branch Intelligence custody, managed to escape. One paid a fine to the Myanmar authorities for his release, after misleading military intelligence officers into believing that he was a migrant worker, when in fact he was a political activist. Most avoided the worst consequences of deportation by bribing Thai officials or boatmen not to turn them directly over to the custody of the Myanmar authorities, or had such bribes paid on their behalf.

In the case of deportations occurring in 1990, the asylum-seekers were able to bribe Thai border police to allow them to re-enter Thailand, or pay the boat owner to turn the boat around before reaching the Myanmar coast. In July 1990, 37 refugees recognized by UNHCR were sent from Raatchaburii province in Thailand to Myanmar, where they bribed Thai border police to re-enter Thailand. In November 1990, after a hunger strike demanding their immediate release from IDC, 25 UNCHR "persons of concern" were able to prevent their forcible return to Myanmar by paying the boat owner to return them to Ranong unhindered by the Thai authorities.

However, in 1991, opportunities to return to Thailand after or during deportation were reduced. On 25 April 1991, the Thai immigration authorities at IDC sent a group of about 141 Myanmar nationals, 41 of whom were UNHCR "persons of concern", by bus from Bangkok to Ranong. Ranong is a town on the southwest coast of Thailand which is across a small strait from the coast of Myanmar. They were then taken by boat from a private pier to Kawthaung, Myanmar. The boats were escorted by a Thai navy boat with immigration and navy personnel. Although the refugees tried to pay the boat owner to return, he did not do so, apparently because of the official Thai escort. When the boat was less than 100 yards from the Myanmar coast, one of the refugees attempted to wound himself so severely as to either prevent his deportation from proceeding or bring about his death. He later told Amnesty International:

"* * * if I were deported it was sure I would be arrested by the SLORC. They know me because there is evidence—some people who supported me were questioned and detained * * * I already had a homemade short knife made from a spoon * * * I stabbed myself on the left side of my chest in the heart. If I stabbed myself there would be a chance for me to escape. I stabbed myself very secretly—I hammered the knife in with a handle. In face it is better to die—it's just enough. I don't want to go back."

One of the refugees who witnessed the suicide attempt describes the incident:

"[He] stabbed himself in the left chest with a sharp handmade knife. He showed his wound to the Thai immigration boat but they did not give any help. The boat was almost to the Burmese pier so we all jumped into the water * * * [He] was saved by a nearby boat who also took him back to Ranong to the hospital, where he was admitted."

The Thai immigration boat then turned back to Thailand. Other boats picked up the refugees and took them back to Ranong. However, two Burmese among those whom the Thai authorities were attempting to return ended up in Kawthaung and at last report remained in detention there because the Myanmar authorities suspect they may be political activists. 21 of the group who were able to return to Thailand were rearrested in Ranong but were released after 15 days. They were sent to the banks of the estuary again, and paid 200 baht each in order not to be subject to a second attempt to return them to Myanmar. They also had to pay 1,000 baht each to the Thai military officers to purchase passes that would make it possible for them to return to Bangkok.

Another deportation from IDC of about 300 people took place on 23 May 1991. It was difficult for those who were interviewed to determine how many of them were UNHCR "persons of concern" because "persons of concern" do not always identify themselves for fear of being detained at IDC longer than their actual sentence.

After being taken by bus to a private pier in Ranong, the group was met by about 30 immigration police, local police and military personnel. A Thai official read out the names of about 12 UNHCR "persons of concern": two of them who were later interviewed by Amnesty International were able to return to Bangkok. It appears that the 12 were saved from forcible return because over 5,000 baht had been paid for their release to Thai officials. However, one UNHCR "person of concern" who was not among the twelve was sent to Kawthaung. According to his testimony.

"They took us to the Tala hotel pier and they forced all the people to get out and beat the people and forced us to get into the boat. I was on the first boat. I was beaten on the back with a hard plastic pipe. They asked, 'Are there any Burmese students?', but I was already on the boat so I did not give my name and I couldn't come back. About 12 Burmese students were pulled back by the immigration police."

The boat crossed the channel, escorted by two Thai immigration boats, so no one was able to pay the boat owner to return to Ranong. About 15 Myanmar military and police personnel were waiting at the Kawthaung pier, including two police from the Special Branch.

The refugee who testified to Amnesty International was then forced on to the Kawthaung pier, when he was kicked in the ribs twice for "pretending to be a boatman" instead of admitting that he was a student. He was taken alone in the back of a truck to prison where he spent the night. The next day, he was escorted by two plain clothes Special Branch officers to an empty room in the Special Branch family quarters. He asked them what they planned to do with him, and they told him they were going to ask him some questions. They told him that if they suspected that he was a student, he would be sent to Magwe prison for six months and then be transferred to Insein Prison (the largest prison in Myanmar, where hundreds of political prisoners are currently held).

When he was first brought into the room, he noticed a back window which was open. He jumped the six foot drop from the window, and was able to hide among a crowd of people as he escaped. The two Special Branch men attempted to follow him but could not use their guns because of the crowd. He returned to Ranong and eventually made his way to Bangkok.

The most recent deportation documented by Amnesty International occurred on 20 June 1991. A UNHCR "person of concern" who had been arrested with 14 others on 8 June reported that when he and another prisoner heard there would be a deportation that day, they paid 2,000 baht each for release papers from other "illegal immigrants" who had completed their sentences and were due to be deported. The police recognized the second prisoner as a "person of concern" and kept him in detention at IDC. The first detainee was able to assume another identify in order to be sent to Ranong, where he hoped to escape from police custody. However, he was sent by the Thai military across the channel to Kawthaung.

Three hundred and twenty-four Myanmar nationals were deported to Ranong on this occasion, of whom approximately 12 were UNHCR "persons of concern". The deportees were put into three boats which were escorted on one side by a Thai immigration boat with eight armed soldiers, and a Thai navy boat on the other side. When they reached Kawthaung, Myanmar police personnel were waiting on the pier. Thirty people at a time were taken in trucks to the centre of town, and the refugee interviewed by Amnesty International was in the last group. When they arrived they were told by Myanmar immigration police that if they could pay 1,500 kyats[3] they would be released. If they could not pay the fine, they were told they would serve six months hard labour for "illegal departure".

The refugee was able to pay the fine, but was still interrogated by Military Intelligence. He gave false information and stated that he had been working in Thailand for many years. While he was waiting, he saw one person in one group and four others in another group handcuffed and taken away. Four eventually returned, but one remained in the custody of Myanmar Military Intelligence. Those who were with him heard him

[3]Seventy-five kyat is the equivalent to approximately one USD.

being kicked and beaten while being questioned by Military Intelligence personnel. He denied the interrogators' suspicion that the others were student activists. They showed him a photograph of himself and told him, "We know everything and don't lie."

The five "persons of concern" were eventually able to return to Thailand. They were released along with 177 other deportees after paying the 1500 kyat fine. Three others whom the Myanmar authorities suspect are political activists reportedly remain in detention in Myanmar. Amnesty International is concerned that they are at grave risk of torture and ill-treatment and that they are also at risk of being unfairly tried by either military tribunals or civilian courts in Myanmar.

An official Radio Rangoon report of 3 July 1991 corroborates the statement made by those interviewed by Amnesty International about interrogation and detention of deportees:

"A total of 440 persons who have entered Thailand illegally have been sent back to Kawthaung in Myanmar via Ranong in Thailand during the last week of June. Among those who were deported, 324 were sent back on 21 June, 34 on 23 June, and 82 on 28 June. It has been learned that the township-level border committee concerned in Thailand contacted the law and order restoration council in Kawthaung and deported the returnees * * * Based on interrogations, arrangements were made to take legal action against the returnees in accordance with the Immigration and Manpower Act of the Union of Myanmar * * * It was learned that 185 persons were fined Kyat 1,500 each and 84 persons, who were unable to pay the fine, were each handed a six-months prison term."

RECENT DEVELOPMENTS

On 2 July 1991, 38 Burmese refugees were arrested in front in IDC during a peaceful sit-in demonstration protesting the Thai authorities' detention and deportation of Burmese refugees. They also requested official refugee status in Thailand. The 38, among other Burmese "persons of concern" to UNHCR, remain in detention at IDC and other prisons in Bangkok.

On 4 July between 300-400 Burmese refugees gathered in front of the United Nations Building in Bangkok to protest the continuing arrests by the Thai authorities and to request official refugee status from Thailand. Although no arrests were made at the demonstration, Burmese "persons of concern" to UNHCR continue to be arrested in their homes and on the streets of Bangkok.

On 6 July 1991 seven UNHCR "persons of concern" were arrested in the Din Daeng area of Bangkok, when their apartment was raided by the police. All of these people remain in detention. More arrests reportedly took place on 10 July during another demonstration at the United Nations Building in Bangkok. Nine Burmese refugees were arrested when they attempted to stage a protest there against their treatment by the Thai authorities.

Amnesty International is concerned that the Thai Government policy of detaining refugees merely for "illegal immigration" has now resulted in the death of one detained refugee. Min Thein, during an escape attempt. Amnesty International is also concerned about allegations suggesting that the Thai police officer who shot him to death may have acted unlawfully. Min Thein was a student political activist from Myanmar who fled his country in 1988 because of human rights violations. He was one of four refugees from Myanmar recognized by UNHCR who were arrested on 29 July 1991 for "illegal immigration". The arrest came as part of the recent intensified crack-down by the Thai authorities on refugees from Myanmar. This crackdown was announced on 8 July after the two peaceful demonstrations in Bangkok (see above). In announcing the crackdown on refugees from Myanmar, Bangkok Deputy Police Commissioner Major General Chaisit Karnvanakit declared: "Their being here in the first place is not a right thing, yet they create disturbances". He reportedly instructed police to "take stringent action" against them.

Following Min Thein's arrest on 29 July, he was held for two days at the Immigration Detention Centre in downtown Bangkok. On 31 July he and a number of other Burmese accused of "illegal immigration" were reportedly put in a police pick-up truck and taken to a court in Minburii, on the northern outskirts of Bangkok. Min Thein and two other prisoners tried to escape when the pick-up truck reached the court, reportedly because they feared Thai authorities might eventually forcibly return them to Myanmar. One was recaptured almost immediately, but Min Thein and a second prisoner, a woman named Ma Thet, managed to climb a wall and run away. Two local policemen on a motorcycle chased them down at a construction site, and it was there that Min Thein was shot and suffered wounds from which he subsequently died. According to a statement issued by a police spokesman on 2 August, the policeman who shot Min Thein was acting in self-defence. The spokesman said that the policemen's motorcycle had overturned, pinning one policeman under it. Min Thein had allegedly tried to assault the trapped policeman, and was therefore shot. Ma Thet, however, reportedly denies that Min Thein threatened the police, and alleges that Min Thein was shot in the back while still attempting to flee. After the incident, Ma Thet and the other person who had attempted to flee were reportedly sentenced to four months imprisonment for "illegal immigration".

Amnesty International believes that the tragic death of Min Thein demonstrates the urgent need for the Thai Government to act according to international human rights standards in its treatment of refugees.

RECOMMENDATIONS

Amnesty International calls on the Government of Thailand to:

1. Make every effort to accede to the 1951 Convention relating to the Status of Refugees, and 1967 Protocol thereto, as an important step towards ensuring the protection of refugees and asylum-seekers in Thailand.

2. Ensure that it acts in conformity with the principle of non-refoulement by halting all forcible returns of Burmese refugees to Myanmar. Burmese refugees who have been recognized by UNHCR as "persons of concern", and all Burmese refugees who risk imprisonment as prisoners of conscience, torture, "disappearance" or execution in Myanmar should not be forcibly returned to Myanmar.

3. Establish a fair and adequate procedure by which asylum-seekers, including the Burmese, can present their reasons for fearing a return to a particular country, and ensure that all asylum-seekers who seek protection in Thailand have effective access to that procedure.

4. Provide all detained refugees with an opportunity to have the legality of their detention reviewed by means of a fair, prompt individual hearing before a judicial or similar authority whose status and tenure afford the strongest possible guarantees of impartiality and independence, and ensure that such judicial procedures meet international standards, including access to legal counsel and the services of a competent translator.

5. Recognize that, under international standards, "illegal immigration" is not a legitimate ground for the detention of refugees.

6. Initiate an inquiry by an independent and impartial body into the circumstances of Min Thein's death to establish whether he may have been killed unlawfully, and if he was unlawfully killed, ensure that any person(s) responsible for his death will be brought to justice.

7. Establish an inquiry by an independent and impartial body into the allegations of ill-treatment of Burmese refugees at the IDC. The results of the inquiry should be made public and any police or other authorities implicated in ill-treatment should be brought to justice.

THE SALVADORAN PEACE PROCESS

Mr. KENNEDY. Mr. President, a significant breakthrough was achieved last week in the United Nations-sponsored El Salvadoran peace process. An accord was reached in New York between the Government of El Salvador and the FMLN rebels that could, if negotiations stay on track, bring an end to the tragic civil war that has ravaged the country for the past 12 years and enable Salvadorans of all political persuasions to begin the long process of reintegration into a civilian-controlled political system.

In a most insightful article in the New York Times, James LeMoyne correctly points out that the most difficult issues underlying this conflict still remain to be resolved: access to economic opportunity, respect for human rights, and the establishment of a democratic system based on law.

Mr. LeMoyne observes that the peace will only come to El Salvador through the cooperation of both the right and the left. He emphasizes that the right must sever its ties to the death squads, support economic liberalization policies which permit the formation of trade unions, and allow guerrilla families to keep the land they currently occupy. The left, in turn, must give up their military struggle, lay down its arms, and join in the democratization of the country.

For these goals to be achieved, the United States and the international community will need to show a deeper commitment to social, political, and economic development in El Salvador.

Having fueled the bloody conflict in El Salvador for over a decade, the United States has a responsibility to use its enormous power and influence to bring a lasting and just peace to that troubled land. We must redouble our efforts to help bring about a cease-fire and insist on civilian control over the army and accountability for human rights abuses. The recent conviction of Col.

Guillermo Benavides and one of his lieutenants for the murder of the Jesuit priests is a step in the right direction. But more needs to be done to end the impunity with which gross human rights violations have been committed.

Mr. LeMoyne also urges the United States to consider offering scholarships, training, and other support to former guerrillas who now need new talents to create a new civil society. By helping these Salvadorans understand democratic institutions and the importance of economic growth, Americans can help foster a better future for the long-suffering Salvadoran people.

Mr. LeMoyne a former New York Times correspondent for Central America, is an renowned authority on Central American issues, and the author of "A Thin Waist of Tears," a forthcoming book on the region.

I ask unanimous consent that his article be printed in the RECORD.

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

[From the New York Times, Sept. 27, 1991]

HOPE AGAINST HOPE IN EL SALVADOR

(By James LeMoyne)

Watching the survivors of an army massacre or a guerrilla attack gather the broken bodies of sons, daughters, and others they loved, it was hard to image that peace could ever come to a land as soaked with blood and hatred as El Salvador.

Now, after 75,000 deaths in 12 years of terrible civil war, the new U.N. brokered agreement between the guerrillas of the Farabundo Marti National Liberation Front and the Salvadoran Government gives the first real cause for hope that a measure of peace may at last be achievable.

But major steps are needed before that possibility becomes reality. In El Salvador, the Government, army and guerrillas must all change more if peace is to prosper. The United States and the international community also face large obligations.

The weakness of the U.N. agreement just signed in El Salvador is that it still leaves the main issues for future negotiation. All sides are still armed and the war goes on. The accord's value is that it keeps all sides negotiating and establishes a commission that for the first time will bring the guerrillas, opposition political parties and the Government together under U.N. mediation to debate the real causes of the civil war.

The issues must involve demilitarization and access to economic opportunity, as well as respect for human rights and the establishment of a democratic system based on law. Salvadorans have been killing one another over these issues for most of this century and almost certainly will continue to clash until improvement is made.

It is not going to be easy to reduce the army, purge its many corrupt and homicidal members and finally break its century long domination of El Salvador. The army and the police will, as always, resist losing power.

Nor is it going to be easy for the ruling Nationalist Republican Alliance Party ARENA—to sever its old this to death squads and intolerance. The rightists must accept trade unions, along with decent wages, and leftist political parties."

President Alfredo Cristiani, who has become the first member of the conservative elite to reach out to his people and offer a national vision, deserves support in his struggle with the extremists in this party.

It is going to be perhaps even more difficult for the five guerrilla groups of the F.M.L.N. to practice democracy and give up once and for all clandestine political organization and their dreams of power.

Salvadorans in general now have to face the 500 years of social disaster that constitute their history and to learn to make their society a tolerable place.

But they cannot do this alone. Now, more than ever, the international community and the United States must lend a real helping hand. This process has already begun. The U.N. is playing a remarkable role in mediating an end to the civil war. This effort should be continued.

At the same time, nations of goodwill like Venezuela, Mexico, Costa Rica, Spain, Portugal and Canada, among others, could help heal El Salvador's wounds.

But the greatest responsibility of all now falls on the United States and countries like Cuba, Nicaragua, Vietnam and the Soviet Union that supported the war in El Salvador. Cuba and the Sandinistas in Nicaragua in particular should be pressured to stop their military support for the Salvadoran guerrillas.

The United States has special obligations. For 40 years of the cold war our nation trained brutal armies and supported corrupt dictators throughout Latin America in a Manichaean struggle against Communism. We did not create the instinct for violence and injustice that pervades El Salvador and most of Latin America—but we did at times urge and direct those dark habits in the dirty wars of an often dirty century.

In El Salvador, our nation has now shown it can oppose Marxists, if necessary, by supporting even a bloodstained army. But our nation has not yet shown a deeper long-term commitment to social, economic and political development that is the only soil enduring democracy can take root in.

The American Government should be lauded for supporting free elections and recent negotiations in El Salvador. But these have been only first steps in a long process.

The U.S. should now commit itself to an international effort to encourage demilitarization in El Salvador and the rest of Central America.

This means backing measures that place military budgets and armies in the region under control of civilian governments. The Salvadoran Army high command has to understand in no uncertain terms that the military murderers of six Jesuit priests have to be punished, and that a purge and reduction of the armed forces are a precondition for further American aid. The trial of Salvadoran soldiers accused of the killings that is to open today will be a test of both American resolve and the capacity for reform in the Salvadoran Government and army.

At the same time, the U.S. should seek contact with the F.M.L.N. guerrillas. It is time to recognize that in El Salvador, as in Spain, Portugal and Italy, the left is an authentic and necessary part of national life. If extreme rightists of the ruling party can be given the chance to become democrats, then why can't the rebels? Some of them are fanatics. But others are among El Salvador's finest people.

As it already does for other Salvadorans, the U.S. should consider offering scholarships, training and other support to former guerrillas who now need new talents to create a new civil society. To give them the chance to become democrats, why not assist them in visiting and studying trade unions, city councils, factories, businesses, police forces, courts, schools, legislatures and other civil institutions in the United States and other democracies?

But for such steps to occur, the rebels must face up to their own shortcomings and accept the historic responsibility this moment places on them.

The guerrillas have killers among them who should be purged—those who murdered mayors, Government officials and other civilian politicians, as well as two unarmed, wounded American soldiers. The rebels must acknowledge that Cuba is as failed a model as the Soviet Union, and they should visit Costa Rica rather than Havana.

If they are true to their pledges, the guerrillas will now work to create a democracy offering social security to the majority of Salvadorans, with a fair legal system and regular election of a civilian government under a constitution. To better the lot of their people, the rebels have to understand that economic growth is essential.

Simply distributing land will not do this; encouraging foreign investment and decent wage levels for agrarian workers will. If they take these many steps, the guerrillas will be true revolutionaries who helped end a tradition of intolerance and injustice in El Salvador.

As Marxists and soldiers, the rebels have guns but little future. As reformist democrats and politicians they will risk their lives—but ultimately they will win a better future for a small country that deserves one.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Clarence Thomas, to be an Associate Justice of the Supreme Court of the United States.

The nomination will be stated.

SUPREME COURT OF THE UNITED STATES

The legislative clerk read the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the United States.

Mr. THURMOND. Mr. President, I believe we were to start at 11 o'clock on the Thomas nomination, but something happened to intervene and it was put off until this time. We are now ready to begin. I might say the chairman of the committee has sent word to me to go ahead, so I will proceed.

The PRESIDING OFFICER. The Senator may proceed.

Mr. THURMOND. Mr. President, today the full Senate begins consideration of the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court of the United States. If confirmed, Judge Thomas will be the 106th person to serve as a Justice. As well, I might say, it is the 24th Supreme Court nomination that I have had the opportunity to review during my almost 37 years in the Senate.

As floor consideration begins, we must remain keenly aware that this body faces a solemn responsibility. When a nominee is considered for the Supreme Court, our responsibility is an enhanced one. Those chosen for a seat on our Nation's highest Court occupy a position of great authority, trust, and power as this appointment is one of life tenure without accountability by popular election. Members of the Supreme Court make vitally important decisions and can only be removed in very limited circumstances. A Supreme Court Justice must be an individual who understands the responsibility to the people of this Nation, the concept of justice, and the magnificence of our Constitution.

Mr. President, I have always believed that our Constitution is the most enduring document ever penned by the hand of man, and certainly remains the finest, most significant political document ever conceived. Our august Constitution confers tremendous responsibility on the Senate in a vast number of areas. In the confirmation process, the Senate alone holds exclusive authority to "advice and consent" on all judicial nominations. While the President of the United States has the constitutional authority to "appoint * * * judges of the Supreme Court," the "advice and consent role" of the Senate is one of the most important ones we undertake. The Senate has assigned the task of holding hearings and the detailed review of judicial nominees to the Judiciary Committee. It is a task that the committee undertook with the clear awareness of the importance of its role in the confirmation process.

Mr. President, the role of the Supreme Court in our history has been vital because the Court has been called upon to solve many difficult and controversial problems—using its collective intellectual capacity, precedent, and constitutional interpretation to solve them. Throughout the course of our Nation's history the Court has been called on to administer justice. As George Washington said, "The administration of justice is the firmest pillar of good government." There is every reason to expect that the Court's role in the administration of justice will continue to be a major factor in the future.

For this reason, an individual chosen to serve on the Supreme Court must be one who possesses outstanding qualities. The impact of the decisions of the Court require that a nominee is eminently qualified. During my consideration of the previous 23 nominations to the High Court in my almost 37 years in the Senate, I have often reflected on the attributes I believe a Supreme Court Justice should possess. As we again consider a nominee to the Supreme Court, I believe these special qualities warrant reiterating:

First, unquestioned integrity. A nominee must be honest, absolutely incorruptible, and completely fair.

Second, courage. The courage to decide tough cases according to the law and the Constitution.

Third, compassion. While a nominee must be firm in his decisions, he should show mercy when appropriate.

Fourth, professional competence. The ability to master the complexity of the law.

Fifth, proper judicial temperament. The self-discipline to base decisions on logic, not emotion, and to have respect for lawyers, litigants, and court personnel.

Sixth, an understanding of the majesty of our system of Government. The understanding that only Congress makes the laws, that the Constitution is only changed by amendment, and that all powers not delegated to the Federal Government are reserved to the States.

I believe an individual who possesses these qualities will not fail the cause of justice. I am convinced that Judge Thomas possesses them and will be an outstanding member of the Supreme Court.

Without question, Judge Thomas' background and experience will serve him well on our Nation's highest court. He has an exceptional educational background, graduating from Holy Cross College in 1971, with honors. In 1974, Judge Thomas earned his juris doctorate degree from Yale Law School, one of the country's most prestigious institutions. Following his graduation from law school, Judge Thomas became an assistant attorney general for the State of Missouri, under then Attorney General John Danforth.

In 1977, he joined the Law Department of the Monsanto Co. where he handled corporate matters, and in 1979 he relocated to the Nation's Capital to be a legislative assistant for newly elected Senator DANFORTH. In this capacity, he handled legislative issues related to energy, the environment, public works, and the Department of the Interior. In May 1981, Judge Thomas was nominated by President Reagan, and confirmed by the Senate, to be Assistant Secretary for Civil Rights at the Department of Education.

He then assumed the position of Chairman of the Equal Employment Opportunity Commission in 1982. President Reagan nominated Judge Thomas to this position twice, with the Senate confirming his nomination on both occasions. As Chairman of the EEOC, he was responsible for the administration and policy development undertaken by an agency comprised of 3,100 employees across the Nation and an annual budget of $180 million. Judge Thomas was responsible for revitalizing and reinvigorating the mission of the EEOC. At the close of his tenure, the EEOC had won nearly a billion dollars in relief for victims of discrimination.

At his recent confirmation hearings, Ms. Pamela Talkin, a Democrat who worked with Judge Thomas at the EEOC, testified that he "sought to vigorously enforce all the laws prohibiting discrimination on behalf of all workers, including women, older workers, and Hispanic Americans." Mr. James Clyburn, who has served 17 years as Commissioner of the South Carolina Human Affairs Commission and describes himself as a moderate to liberal Democrat, testified that he found Judge Thomas "to be highly compassionate, sensitive, and judicious * * * there is the integrity, the conscientious spirit, and the basic sense of fairness."

On October 3, 1989, President Bush nominated Judge Thomas to serve as a member of the U.S. Court of Appeals for the District of Columbia Circuit. At that time, the Judiciary Committee extensively reviewed his professional record. The full Senate overwhelmingly approved him to serve on what is commonly known as the Nation's second highest court. This was the fourth time the Senate had confirmed him for a position of great trust and responsibility. Judge Thomas has rendered distinguished service on the court of appeals, authoring a number of opinions while participating in some 150 other cases.

On July 8, 1991, President Bush nominated Judge Thomas to serve as an Associate Justice of the Supreme Court of the United States. The Judiciary Committee conducted thorough and extensive hearings which lasted 8 days. Judge Thomas testified before the committee for almost 25 hours, longer than any other Justice confirmed in the last 10 years. We heard testimony from approximately 100 outside witnesses.

As the Committee hearing commenced, Judge Thomas was introduced by a bipartisan panel of several of our distinguished colleagues: Senators NUNN, FOWLER, WARNER, ROBB, DANFORTH, and BOND.

Senator SAM NUNN, of Georgia, Judge Thomas' home State, stated:

> Clarence Thomas has climbed many jagged mountains on the road from Pin Point, Georgia, to this Senate Judiciary Committee. I believe that * * * Judge Thomas will remember his own climb and will always insist on fairness and equal justice under the law for those who are still climbing.

Senator DANFORTH, one of the strongest supporters of Judge Thomas, stated:

I have no doubt whatever in giving the committee this assurance: Just as Clarence will resist any effort to impinge on his independence by seeking commitments on how he will decide cases before the Court, so he will never become a sure vote for any groups of Justices on the Court * * * [Judge Thomas] has special qualities he will bring to the Court * * * [He is a man] I know so well and believe in so strongly.

Of the witnesses who testified, I was most impressed by those who personally knew Judge Thomas and who could attest to his outstanding qualities.

Mr. Alphonso Jackson, executive director of the Housing Authority for the city of Dallas and a personal friend of Judge Thomas for the past 18 years stated:

Judge Thomas is intuitive, insightful, and highly proficient in the law, with extremely valuable hands-on experience in public policy. He possesses keen intellect and strong values * * *. He will serve the Supreme Court well through his own strength of character, perseverance and strong belief in the American Dream.

There were other impressive witnesses who testified in support of Judge Thomas. Ms. Emily Holyfield is a member of the Compton, CA, Chapter of the NAACP that voted unanimously to support the confirmation of this nominee. She testified that Judge Thomas will be an "an excellent judge, a judge that will represent all of the people throughout the Nation."

Mr. President, upon reviewing the decisions Judge Thomas has written and participated in on the Court of Appeals and listening to his testimony, I have concluded that he has exhibited an adherence to the rule of law and the true principles upon which our Nation was founded. Without question, the opinions he has authored are within the mainstream of judicial thinking. The American Bar Association reported to the committee that throughout Judge Thomas' tenure on the Court of Appeals, he "has been consistently fair and open-minded." His legal opinions were carefully reviewed and described by the ABA as "clear and [carrying] the hallmarks of competent appellate craftsmanship." Further, the ABA found that his work evidences broad analytical skill and open-mindedness * * *. He has shown no evidence of judicial bias * * * and his opinions have been * * * well reasoned and well written." My own review shows he has articulated a clear and concise understanding of the law and conformance to established principles of Constitution interpretations. Ms. Barbara Bratcher, an attorney with Wilmer, Cutler and Pickering, who prepared a comprehensive report on Judge Thomas' judicial opinions, concluded that he "has demonstrated strict adherence to the rule of law." She noted his opinions demonstrated an "observance of controlling precedent and accepted principles of statutory construction." Ms. Bratcher stated that Judge Thomas "faithfully construed the law to preserve the rights of individuals and the rights of society."

Mr. President, some have stated that Judge Thomas has articulated a personal philosophy of law and constitutional interpretation which would curtail individual rights. I strongly disagree with those who have reached that conclusion. In fact, Judge Thomas has stated he believes, and I quote, that "equality is the basis for aggressive enforcement of civil rights laws and equal opportunity laws designed to protect individual rights." Those are words stated by a person who truly believes in the civil rights of the individual and a commitment to the principles of fairness and equality, not a nominee who is out of the mainstream of judicial interpretation and analysis. An examination of the professional record of Judge Thomas provides no valid reason to believe he would seek to diminish the rights of any American citizen. Judge Thomas acknowledges that he has been a beneficiary of the diligent work of individuals such as Justice Thurgood Marshall and others involved in civil rights efforts.

Judge Thomas also testified before the Judiciary Committee about several other important constitutional issues. In his testimony, he stated the Constitution protects the fundamental right of privacy, and that the Court has recognized in the case of Eisenstadt versus Baird that the rights of privacy extends to single persons, as well as married couples. He acknowledged that the Miranda warning requirements and the exclusionary rule are settled judicial principles.

Mr. President, during the hearings there was mention that Judge Thomas had undergone a confirmation conversion. This nominee was before the committee for almost 5 days. During that time, he explained the positions taken by him in some of his writings and speeches when he was a policymaker in the executive branch. In each of these policymaking positions, clearly Judge Thomas would be expected to be a strong advocate for the administration which he served. I found his explanations for the positions he took in the executive branch reasonable and consistent with his earlier speeches and writings. I firmly believe there was no confirmation conversion. Ms. Margaret Bush Wilson, who was chairperson of the national board of directors of the NAACP from until 1984 and has known Judge Thomas since 1974, testified before the committee on his behalf. In her written testimony she stated, and I quote:

One of the most disagreeable charges leveled at Judge Thomas is that he has changed his stated views to gain confirmation. Those who make this unfair charge do not know the man. Judge Clarence Thomas would not violate this principle for any purpose—and certainly not to gain a seat on the Supreme Court * * *. I am confident he will make a great Justice and will continue to defend and protect the rights of the needy, the powerless, and those who have suffered from discrimination.

Additionally, there were lengthy discussions of the topic of natural law during the committee hearings. Judge Thomas testified that he has always discussed this topic in the context of civil rights and equality under the law. He has never referred to the use of natural law as a substitute for the language of the Constitution, judicial precedent, or legislative intent. Upon reviewing the opinions he wrote while on the D.C. Circuit, it is apparent that he has stayed well within the appropriate framework of judicial review and constitutional interpretation.

Mr. President, the issue of judicial philosophy, or ideology, has often been raised in relation to recent nominees to the Supreme Court. Some argue that philosophy should not be considered at all in the nomination process, while others state that philosophy should be the sole criteria. I believe it is not appropriate that philosophy alone should bar a nominee from the Supreme Court unless that nominee holds a belief that is contrary to the fundamental, longstanding principles of our Nation. Clearly, if a philosophical litmus test can be applied to defeat a nominee, then the independence of the Federal judiciary would be undermined. Judges are not politicians put in place to decide cases based on the views of a political constituency, but are sworn to apply constitutional and legal principles, and to arrive at decisions that do justice to the parties before them. To reject a nominee based solely on ideology, would be inappropriate. As well, requiring a nominee to pass an ideological litmus test on controversial topics would seriously jeopardize the efficacy and independence of the Federal judiciary.

Additionally, the Constitution provides that the President of the United States shall choose the nominee to fill a vacancy on the Supreme Court. For this reason, I strongly believe that a nominee comes to the Senate with a presumption in his favor. Accordingly, opponents of the nominee must make the case against him, especially since Judge Thomas has been confirmed to positions of great trust and responsibility on four separate occasions. Based on the exhaustive review completed by the Judiciary Committee, I am strongly convinced that the presumption in favor of Judge Thomas has not been overcome.

Mr. President, I believe the circumstance of Judge Thomas' background will give him a unique sense of sensitivity in understanding the impact his decisions will have on the par-

ties before the Court. Judge Thomas has overcome difficult circumstances he faced early in life—both the anguish of poverty and the humiliation of discrimination. As Larry Thompson, an attorney with the law firm of King and Spaulding testified: "His background * * * is needed * * * inside the Court in its deliberations on a variety of issues." I am convinced that the life experiences of Judge Thomas show that he is a man of immense courage who will broaden the perspective of the Court and bring an added dimension to it. As Dean Calabresi of Yale Law School, who has known Judge Thomas since he began his legal education there, testified, Judge Thomas "has the integrity, * * * knowledge and the ability to be a very good Justice * * * he is fully as qualified as the people who have been appointed and confirmed to the Supreme Court over many, many years."

In closing, Judge Thomas has demonstrated that he possesses the attributes which will make him an outstanding justice: integrity, a keen understanding of the law, sensitivity, the intellectual capacity to deal with complex issues, fairness, patience, proper judicial temperament, and a willingness to be open-minded.

Mr. President, I urge the Members of this body to vote to confirm Judge Thomas for a position on the U.S. Supreme Court.

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. INOUYE. 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. INOUYE. Mr. President, I rise, guided by the dictates of my conscience, to express my views about the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

I have reviewed the hearing transcripts and have conferred with many of my colleagues, both Democrat and Republican. Through my review and discussions, many more questions were raised about Judge Thomas than were answered. There are inconsistencies and contradictions between Judge Thomas' prior statements and his well-rehearsed and polished presentation to the Senate Judiciary Committee.

Article II of the U.S. Constitution provides the President with the power to nominate the Justices of the Supreme Court, with the advice and consent of the Senate. Our Founding Fathers intended that the Members of this honorable body share in the awesome responsibility of selecting the Justices of the highest court to ensure the quality, competence, and integrity of Presidential appointees, and to ensure that we, as public servants, are upholding to the best of our ability the letter and the spirit of the U.S. Constitution.

The advice and consent power acts as a check and balance. It is a responsibility I take very seriously. An error in judgment may have detrimental ramifications and may negatively impact upon the quality of life of all Americans for years to come.

For this reason, I am most disappointed at the current state of our confirmation process—a process our Founding Fathers intended to be an open and candid opportunity for the Members of the Senate to learn about the views and policies of the President's nominee. With such knowledge, we would be able to exercise our constitutional responsibility to provide advice and consent. Regrettably, the confirmation process has become a game of hide and seek, a game of semantical tag, and game of Simon Says. The ability to duck a question has gone from a sign of weakness to an art form. Rather than securing what I believe are simple answers to straightforward questions, my colleagues on the Judiciary Committee were trapped in a tangled web of evasion and skillful sidestepping. This cannot be what our Founding Fathers intended.

Judge Thomas' performance can be described in many ways. It was well-rehearsed, well-choreographed, and well-presented. Unfortunately, it did not provide for candid and open dialogues. I cannot believe that Judge Thomas has never discussed the right to privacy issues involved in Roe versus Wade. It is one of the most controversial issues of our time. It is discussed and debated on the streets of Washington, DC, Honolulu, HI, and St. Louis, MO. The housewife, the student, the teacher, and the mechanic each have a viewpoint on abortion—whether for or against, whether grounded in religious principles or personal experience. Judge Thomas' answers on the abortion issue are beyond belief. As a respected attorney and policymaker, I cannot fathom that he has "no position" or "no preconceived leanings" on this important issue. With each repeated and rephrased question relating to Roe versus Wade, Thomas' answers were generally the same. In fact, on at least 19 occasions they resembled the following:

> To take a position would undermine my ability to be impartial, and I have attempted to avoid that in all areas of my life after I became a judge.
>
> I have not made a decision one way or the other with respect to that important decision [Roe versus Wade].
>
> I don't recollect commenting one way or the other. There were debates about it [Roe versus Wade] in various places, but I generally did not participate.

Do these responses provide any answers or insights into the policies of Judge Clarence Thomas? With such vague and puzzling answers, I find it extremely difficult to exercise my responsibility to provide advice and consent. In all candor, I do not know the policies of Judge Clarence Thomas. Will he stand upon his past positions in accord with his belief in the doctrine of natural law? Will he have no position which is his present position? Or will he develop a new position if confirmed? I cannot with a clear conscience take such a chance. My doubts are too numerous, and the stakes are too high.

Judge Thomas wrote, "justice and conformity to the Constitution, not 'sensitivity,'" should be the object of race relations." I agree that we must be unfailingly loyal to the Constitution and to the Framers' intent. However, I take exception with Thomas' belief that justice and sensitivity are mutually exclusive. The very concept of "justice" embodies compassion and sensitivity. I believe that the Framers deliberately used broad language that invites us, as policymakers, to continue the process of shaping a just society. The principles of the Constitution are not stagnant. Rather, they change to fit the contours of our time, and in doing so, the Framers would have expected us to be sensitive and compassionate in according justice for all.

Judge Thomas' opposition to the established affirmative action and equal opportunity programs evidence, I believe, a lack of sensitivity for those struggling to reach their dreams. As the grandson of a poor sharecropper raised in the segregated South, he persevered, endured and strived for excellence, and all would agree that he has achieved it. On his way up the ladder of success, Judge Thomas was a beneficiary of the very type of affirmative action program he now opposes. Through the preferential admission policy of the Yale Law School, Thomas was admitted and later graduated.

In a recent Washington Post article, Thomas is quoted, "I've benefited greatly from the civil rights movement, from the Justice whom I'm nominated to succeed, from organizations such as the Urban League and the NAACP." Were not Justice Marshall and the NAACP motivated in their quest for equal justice by compassion and sensitivity? Judge Thomas is appreciative of benefits he received, but now believes that such policies should be abolished. If I understand him correctly, he would kick out the ladder he used which helped him to reach for and accomplish his dreams.

Mr. President, I, too, have scars from discrimination. I know what it feels like. I also know about personal drive and inner strength. Accordingly, while my sights are always set forward, I look back now and then to ensure that I do now forget where I came from and who I am. However, unlike Judge Thomas, I would not kick out the lad-

der of hope and make it more difficult for those who have come after me. Rather, in my 37 years of public service, I have worked to fortify and preserve that ladder in an effort to help those with the personal drive and inner strength to overcome the obstacles and achieve their dreams. Our differences in this regard go to the core.

Supreme Court Justice Oliver Wendell Holmes stated, "The life of the law is not logic but experience." I am disappointed that the lifetime experiences of Judge Thomas, from his humble beginnings in the segregated South, to his participation in Black Panther activities, to his present position of national prominence, are not embodied in his philosophy and constitutional interpretation. If they were, the very values of compassion and sensitivity which were bestowed on him would be carried forward to define who he is. Justice is not handed down in a vacuum. Rather, the Supreme Court, by its very mandate, concerns itself with the realities of human lives. It has embraced, throughout the years, the values of flexibility, sensitivity and justice to uphold not only the words, but also the spirit of this document that has guided this great Nation for 200 years.

Judge Clarence Thomas has an impeccable set of accomplishments. He has held important positions in all three branches of our Federal Government. However, I do not know who Judge Thomas is. I have reviewed his past statements and his hearing testimony. From it, I feel I know less about him than I did before I began my research. What are his insights, his motivations, his passions, and why? I do not know.

I have too many questions and too many doubts. To faithfully carry out my responsibility, my choice must be free of doubt. The future of the Court and its direction for years to come is too important to accept a lesser standard. Accordingly, I must respectfully oppose the confirmation of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. 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. DANFORTH. Mr. President, it is a great honor for me to address the Senate on behalf of the nomination of Judge Clarence Thomas.

I say this because I know Clarence Thomas very well. And when I got the call from the White House on July 1 telling me that Judge Thomas would be nominated for the U.S. Supreme Court, that was one of the happiest moments of my life, and I think the happiest moment of my life in the U.S. Senate.

I believed on July 1 that I knew Clarence Thomas very well. I hired him 17 years ago when he was a third-year law student at Yale Law School. I saw in him even during that hiring interview special qualities which I thought would lead to an outstanding future.

I brought him out to Jefferson City, MO, for a further interview, and that confirmed my initial impression of this person. Clarence Thomas worked for me in the attorney general's office for about 2 years, maybe a little more, and then I was elected to the U.S. Senate, and he went to work for Monsanto Co. located in St. Louis, in their legal department.

Then, after I had been in the Senate for a couple of years, I asked Clarence Thomas if he would come to Washington and join me here, and he did come here and stayed with me from 1979 until 1981, when President Reagan asked him to join the administration as Assistant Secretary of Education for Civil Rights.

So Clarence Thomas has worked with me for approximately 4 years, and I have kept in touch with him ever since he left my employ. I see him periodically. I have had many discussions with him on a whole variety of subjects. He is a person of great breadth.

On the basis of that knowledge, I believed on July 1 that this was an outstanding nominee for the U.S. Supreme Court. I believed I knew him on July 1 but, Mr. President, I did not know him then nearly as well as I know him now.

I have had an unusual, if not a unique, experience over the past 3 months with Clarence Thomas as we had face-to-face meetings with some 60 Members of the U.S. Senate. It is an interesting experience to do that for several reasons. It is interesting to be there in the office of our colleagues and see how they interact with visitors to their offices, and it is especially interesting to see a whole variety of snapshots of a person you thought you knew. Not that the meetings were really different in substance, because Clarence Thomas was not one thing in one office and something different in another office. But the questions would be a little different. The wording of the answers would be a little different. The anecdotes which I had never heard before would be a little different from office to office. And it was as though I had been furnished with 60 snapshots of the same person, each giving a slightly different perspective of the human being.

And then I was there, Mr. President, during what have been called the murder board meetings. I would call them batting practice sessions. These are sessions where a variety of people—almost all of them were lawyers—asked Clarence Thomas all kinds of questions relating to the work of the Supreme Court. It was the kind of preparation that we politicians do before going into an important debate, where questions are fired at us to see whether we have thought of them and whether we have some response at hand.

Some people have said, "Oh, well, Clarence Thomas has been coached. He has been overly coached." But, Mr. President, each one of those meetings started with a statement that we were not there to correct the substance of what Clarence Thomas said, and we were not there to change his opinion on anything. We were there to make sure that he had heard the questions, to the best of our ability, in advance, and that his answers were clear and understandable. But we were not there to coach him on the substance, and we did not do that.

Clarence Thomas is his own person. I found that out when he worked for me 17 years ago. He is not a person who is going to trim his position in order to make people happy. He certainly did not do that with me in the attorney general's office, and there was no effort to transform Clarence Thomas into something that he was not. As a matter of fact, Mr. President, the consistent advice that I gave him—hardly advice—throughout this whole process was: Be yourself. Let people see the person you are. Let people understand who you are. Then they will support you.

Clarence Thomas was himself. I must say that I was astounded by the way in which he prepared for his confirmation hearings.

Let us face it, Mr. President, even those of us in the Senate who are lawyers, other than perhaps members of the Judiciary Committee, do not exactly sit around reading slip opinions of the U.S. Supreme Court and talking about the latest developments in jurisprudence. At least this Senator does not. I might read a few opinions every year on something that is of specific interest. But as far as keeping up with the whole breadth of material that comes before the U.S. Supreme Court, I do not do that, and I do not think many other people do either.

Clarence Thomas set to work in early July studying for what amounted to a bar exam. He was furnished a number of thick briefing books by the Justice Department, and he read those books, and he read the cases in order to try to learn what the latest developments are before the Court. He had been at the EEOC, and at the Department of Education for most of the last 10 years, and 1½ years on the U.S. Court of Appeals. There were many issues that he had to learn about, and he took that mission very seriously. He wanted to give a meaningful response to the members of the committee, and he wanted to educate himself to the best of his ability. What was remarkable to me was the

breadth of his knowledge that he brought to that hearing.

Mr. President, I would be quaking in my boots if I had to face murderers' row for 5 days and be peppered with questions, some of which come out of the blue, or asked to defend, sometimes line by line, words and speeches that I made 10 years ago. I would not know how to go about that. But Clarence Thomas prepared for us, and he did answer to the best of his ability, the questions that were put to him by the committee.

Mr. President, I have heard a number of comments of people who have at least attempted to give some kind of explanation for why they intended to vote against Clarence Thomas. And one of the pop explanations is, "Well, we really do not know who he is. We really do not know who this Clarence Thomas is. And, because we do not know who he is, we will not vote for him."

I ask, Mr. President, for my colleagues to consider what kind of answer that is, and how that answer squares with the vote on the confirmation of David Souter 1 year ago to the U.S. Supreme Court.

Here is a person, David Souter, who was confirmed by the Senate on October 2, 1990, 1 year ago yesterday, by a vote of 90 to 9.

Mr. President, I ask unanimous consent that the rollcall vote of the Souter nomination be printed in the RECORD at this point.

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

YEAS (90)

Republicans (44 or 100%).

Armstrong, Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Wallop, Warner.

Democrats (46 or 84%).

Baucus, Bentsen, Biden, Bingaman, Boren, Breaux, Bryan, Bumpers, Byrd, Conrad, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kerrey, Kohl, Leahy, Levin, Lieberman, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

NAYS (9)

Republicans (0 to 0%).

Democrats (9 or 16%).

Adams, Akaka, Bradley, Burdick, Cranston, Kennedy, Kerry, Lautenberg, Mikulski.

NOT VOTING (1)

Republicans (1). Wilson.[2]

Democrats (0).

Explanation of absence: 1—Official Business, 2—Necessarily Absent, 3—Illness, 4—Other.

Symbols: AY—Announced Yea, AN—Announced Nay, PY—Paired Yea, PN—Paired Nay.

Mr. DANFORTH. Mr. President, David Souter was called the "stealth nominee" for the U.S. Supreme Court. Those were the words used to describe David Souter—the "stealth nominee." Nobody knew what he believed. It was said he would not answer any questions; yet, he was confirmed by a vote of 90 to 9.

Now, it is said the Clarence Thomas is a person we do not know enough about and therefore we cannot vote for Clarence Thomas. What, Mr. President, is the difference between David Souter and Clarence Thomas? As a matter of fact, much of the commentary comparing the Souter nomination with the Thomas nomination is to the effect that David Souter had no track record; that he wrote very little, if anything; that he had not made a lot of speeches; but that Clarence Thomas had quite a paper trail, it was said, quite a paper trail, that people knew what he had said, knew what he had written. That was said to be the difference between David Souter and Clarence Thomas.

So, Mr. President, how can anybody conceivably argue that they will not vote for Clarence Thomas because they do not know Clarence Thomas when 1 year ago yesterday they voted for David Souter? What kind of double standard is that to apply to the Thomas nomination: "Oh, we do not know him"? Well, we knew David Souter enough to vote for him 90 to 9. We do not know Clarence Thomas; therefore, we will not vote for him? No, Mr. President. I do not think that is any kind of argument for voting against the Thomas nomination, that we do not know him. I think that is an excuse rather than a reason.

It is said that Clarence Thomas did not come clean when he was before the committee, that he did not really answer questions that came before him. But, Mr. President, Clarence Thomas took the same position that other Supreme Court nominees have taken. He said that he would not offer an opinion on a matter that could come before the Court, that it would be improper to do so.

He was asked repeatedly about the question of abortion. "What is your position on abortion?" At one point, about halfway through the hearings, Senator HATCH noted that he had counted 70 different times when Clarence Thomas had been asked about abortion one way or another by Members of the Senate Judiciary Committee; 70 times he had been asked about abortion. That was only halfway through the hearings. I have not made a count of how many times he was asked from beginning to end, but it was surely more than 70. Was it 80, 90, 100?

Mr. President, when do we move beyond an honest inquiry into a person's views and badgering somebody? Is it after the first five questions, or 10 or 20, or 50 or 60 or 70?

Repeatedly he was asked the question on abortion as though abortion is the litmus test for serving on the Supreme Court of the United States. "Answer our question on abortion. We insist on knowing what your position is. How would you vote on abortion? What do you think about abortion? Do you have a personal opinion of abortion? Have you ever discussed abortion with anybody?"

I do not know, Mr. President; the nominee said, "Oh, I haven't even discussed it with anybody."

I do not know how to prove a negative. I do not understand how to prove a negative. I know that my administrative assistant, who served as my administrative assistant both when Clarence Thomas was with me in the Attorney General's office and when Clarence Thomas was with me here in Washington, wrote me a letter saying that he has had probably thousands of discussions with Clarence Thomas over the years about everything ranging from English literature to jogging, and he has never discussed abortion with Clarence Thomas.

I know that a lawyer here in town named Chris Brewster, who served with me both in the Attorney General's office and here in Washington, and who worked with me on the brief of my own Supreme Court case on the subject of abortion, said that the whole time he served with Clarence Thomas he never discussed the subject with him.

Most people I suppose are intensely interested in the subject of abortion. It has just never been particularly on Clarence Thomas' screen. People say this is a question of credibility. "Of course he must have talked to somebody." And so the liberal interest groups are now taking out paid advertising in a newspaper to ask people to come forward if they have ever talked about abortion with Clarence Thomas.

I ask the Senate: Is that an honest inquiry into a matter that should be discussed by a Supreme Court Justice? Or is it picking on somebody?

I think it is picking on him.

He would not answer the question. He said, "I do not think it is appropriate for somebody to go to the Supreme Court and not be able to decide the case on the basis of the law and the facts in front of him. I think that a judge should be impartial," says Clarence Thomas. And I agree. And so have other people who have been confirmed for the Supreme Court agreed.

A judge should be impartial. And it truly is an interference with the independence of the judiciary to ask a nominee to promise a vote on the Court in exchange for our confirmation in the Senate. It is not right. It interferes with the independence of the judiciary and most Americans know that, no matter what their view is on the subject of abortion.

Have we not had enough judges who were trying to impose some pre-

conceived idea of their own on the American people? And do not really want judges who will decide cases on the basis of the facts and on the basis of the law, without trying to fob off on the American people some personal philosophical point of view?

If a judge has a personal opinion, is not Clarence Thomas exactly right, that personal opinion should be put in the background, that personal opinion should be something that the judge takes off, as Clarence Thomas said, like a runner takes off his extra clothing before running a race.

The issue is the independence of the judiciary. And other nominees have stated that before the Judiciary Committee and their explanation was accepted. And people say, "Oh, we do not know, we do not know what his views are, because he won't prejudge cases for us."

When Justice Marshall, just retired, testified before the Judiciary Committee during his confirmation, a question was put to him by Senator McClellan. Here is the question:

Do you subscribe to the philosophy, as expressed by a majority of the Court in the Miranda case, that no matter how voluntary a confession or incriminating statement by a defendant might be, it must be excluded from evidence unless the prescribed warnings of that opinion were given?

Here is the answer that Thurgood Marshall gave in his confirmation hearings:

Respectfully, I cannot answer your question, because there are many cases pending in the Supreme Court right now on variations of the so-called Miranda rule, and I would suspect that in every State of the Union there are other cases on different variations of the Miranda rule that are on their way to the Supreme Court, and if I am confirmed, I would have to pass on those cases.

Question:

I will not ask you about any presently pending case here. * * * But, I think it has become so critical that we who have this responsibility here of upholding confirmations need to have some idea, at least glimpse, some impression as to the trend of the thinking and the philosophy of the one who is to receive confirmation.

Answer:

My difficulty is that from all of the hearings I have ever read about, it has been considered and recognized as improper for a nominee to a judgeship to comment on cases that he will have to pass on.

Different question from McClellan:

Do you subscribe to the philosophy that the fifth amendment right to counsel requires that the counsel be present at a police lineup?

Answer by Thurgood Marshall:

My answer would have to be the same. That is a part of the Miranda case.

Anything familiar about that exchange, Mr. President? Anything ring a bell with those who watched the proceedings before the Judiciary Committee?

Justice William Brennan, inquiry from Senator Joseph McCarthy of Wisconsin:

Mr. Brennan, we are asked to either vote to confirm or reject you. One of the things I have maintained is that you have adopted the gobbledegook that communism is merely a political party, is not a conspiracy. The Supreme Court has held that it is a conspiracy to overthrow the government of this country. I am merely asking you a very simple question. It doesn't relate to any lawsuit pending before the Supreme Court. Let me repeat it. Do you consider communism merely as a political party or do you consider it as a conspiracy to overthrow this country?

Answer by William Brennan:

I can only answer, Senator, that believe me there are cases now pending in which the contention is made, at least in the frame of reference in which the case comes to the Court, that the definitions which have been given by the Congress to communism do not fit the particular circumstances. * * * I can't say anything to you, Senator, about a pending matter.

Antonin Scalia, at his confirmation hearing.

Senator Kennedy:

Do you expect to overrule the Roe versus Wade Supreme Court decision if you are confirmed?

Justice Scalia:

Senator, I do not think it would be proper for me to answer that.

The confirmation of Abe Fortas. Senator Thurmond:

Did you condone the [Escobedo]?

Justice Fortas:

It is with the greatest regret that I must say that the constitutional limitations upon me prohibit me from responding.

So now we say, well, we do not know enough about Clarence Thomas. Well, he answered the same way that, as far as I know, everyone has answered who has been hauled up before the Senate Judiciary Committee.

Then, Mr. President, there are those who say, well, the problem is not that we do not know enough about Clarence Thomas. The problem is we know about Clarence Thomas. That is the next attack. First, we do not know him; second, we know him. Which way do we want to have it?

So it is said, well, Clarence Thomas cannot be confirmed because Clarence Thomas is a conservative. My answer to that is: This is a new standard.

I have already put in the RECORD, Mr. President, the rollcall vote on the confirmation of David Souter, confirmed 90 to 7, I believe.

I now ask unanimous consent to have printed in the RECORD the rollcall vote of September 17, 1986, on the nomination of Antonin Scalia to be an Associate Justice of the U.S. Supreme Court. The vote is 98 to zero. And further, the rollcall vote of February 3, 1988, of Anthony M. Kennedy to be an Associate Justice of the Supreme Court. The vote is 97 to zero.

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

NOMINATION OF ANTHONY M. KENNEDY TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

YEAS (97)

Democrats (51 or 100%)

Adams, Baucus, Bentsen, Bingaman, Boren, Bradley, Breaux, Bumpers, Burdick, Byrd, Chiles, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Leahy, Levin, Matsunaga, Melcher, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Stennis, Wirth.

Republicans (46 or 100%).

Armstrong, Bond, Boschwitz, Chafee, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Evans, Garn, Gramm, Grassley, Hatch, Hatfield, Hecht, Heinz, Helms, Humphrey, Karnes, Kassebaum, Kasten, Lugar, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Quayle, Roth, Rudman, Simpson, Specter, Stafford, Stevens, Symms, Thurmond, Trible, Wallop, Warner, Weicker, Wilson.

NAYS (0)

Democrats (0 or 0%).

Republicans (0 or 0%).

NOT VOTING (3)

Democrats (3). Biden—3 AY, Gore—2 AY, Simon—2.

Republicans (0).

Explanation of Absence: 1—Official Business, 2—Necessarily Absent, 3—Illness, 4—Other.

Symbols: AY—Announced Yea, AN—Announced Nay, PY—Paired Yea, PN—Paired Nay.

NOMINATION OF ANTONIN SCALIA TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

YEAS (98)

Democrats (47 or 100%).

Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Bumpers, Burdick, Byrd, Chiles, Cranston, DeConcini, Dixon, Dodd, Eagleton, Exon, Ford, Glenn, Gore, Harkin, Hart, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Leahy, Levin, Long, Matsunaga, Melcher, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Riegle, Rockefeller, Sarbanes, Sasser, Simon, Stennis, Zorinsky.

Republicans (51 or 100%).

Abdnor, Andrews, Armstrong, Boschwitz, Broyhill, Chafee, Cochran, Cohen, D'Amato, Danforth, Denton, Dole, Domenici, Durenberger, Evans, Gorton, Gramm, Grassley, Hatch, Hatfield, Hawkins, Hecht, Heinz, Helms, Humphrey, Kassebaum, Kasten, Laxalt, Lugar, Mathias, Mattingly, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Quayle, Roth, Rudman, Simpson, Specter, Stafford, Stevens, Symms, Thurmond, Trible, Wallop, Warner, Weicker, Wilson.

NAYS (0)

Democrats (0 or 0%)

Republicans (0 or 0%).

NOT VOTING (2)

Democrats (0).

Republicans (2). Garn—2 AY, Goldwater—1.

Explanation of absence. 1—Official Business, 2—Necessarily Absent, 3—Illness, 4—Other.

Symbols: AY—Announced Yea, AN—Announced Nay, PY—Paired Yea, PN—Paired Nay.

Mr. DANFORTH. Mr. President, then it is said that, well, we really know

what Clarence Thomas thinks because of speeches that he made when he was in the executive branch, and somehow those speeches are relevant to how he would decide cases before the Supreme Court. And so that has been this extremely careful, precise, analysis of words and phrases that have been used by Clarence Thomas in making speeches around the country when he was the chairman of the EEOC.

And, as a matter of fact, that analysis has been so specific and so precise that one line of questions that one member of the Judiciary Committee directed at Judge Thomas had to do with the citing of a case in a footnote in a Law Review article. He was asked about the citing of a footnote in a Law Review article when he was before the Judiciary Committee.

And then there is the famous case of the speech before the Heritage Foundation in which a single sentence in a 9-or-10-page single-spaced printed speech, complimenting a man named Lewis Lehrman during a speech given at the Lewis Lehrman Auditorium at the Heritage Foundation, is used as an explanation that Clarence Thomas has taken a full-blown position on the ralationship between natural law and abortion, which he never intended to do.

But, in any event, there is this fastidious, sentence-by-sentence review of speeches that have been made by Clarence Thomas around the country when he was a member of the executive branch.

Mr. President, my advice, after all of this, to any Member of the U.S. Senate who has aspirations to serve on the U.S. Supreme Court is: Forget it. Forget it. Because every speech is going to be analyzed sentence by sentence; every form letter to constituents is going to be analyzed sentence by sentence over years of time. Think of the wealth of material for those who are looking for something to criticize in the statement of anybody who has been in politics. And Clarence Thomas was in a political branch of government, the executive branch. He was an appointee of the President of the United States, and he made a lot of speeches. And there was this tremendous effort.

People say, oh, my, was Clarence Thomas not coached? Was Clarence Thomas not coached? How about the Senators who ask questions of him? How about all of the interest groups who have been pawing through every statement that he made, all of the staff members who have been analyzing every footnote in every Law Review article? What is coaching if that is not coaching?

Clarence Thomas said repeatedly: There really is a difference between being a judge and being a politician. There really is a difference between serving in a political branch of government and serving on the Court. Mr. President, that is absolutely true. There really is a difference and there must be a difference. What we say in a political context should not be relevant to how we judge cases. How we take positions on the stump should not be relevant to how we judge cases on the bench. Because, if it is relevant, then I submit that our Founding Fathers made a terrible mistake in giving lifetime tenure to members of the judiciary. There is a difference between what you say in one context and how you think as a jurist.

Again, I refer to the nomination of Thurgood Marshall to the Supreme Court because the debate in that nomination sounded so much like the questioning of Clarence Thomas. Many members of the Judiciary Committee stated the view that, as Clarence Thomas had made certain comments in the executive branch, so Thurgood Marshall had a paper trail. The chairman of the Judiciary Committee said to Thurgood Marshall during his hearing, concerning his views on the Miranda case and the Escobedo case:

"Judge, I have a clipping from a paper, the Daily Texan, for Sunday, March 19, 1967, in which you were interviewed, which reads, in part, as follows." And the quote then goes on, "Turning to criminal procedure cases"—and so on and so forth.

And Thurgood Marshall said to the Judiciary Committee, about that quote—here is the quote that he made:

That view was as the Solicitor General of the United States talking to law students, trying to give them the benefit of my advice, not as a nominee for this position." That is what Thurgood Marshall said. And then Thurgood Marshall refused to give his views on this matter to the committee, the same position that had been reported in the newspaper article. And here is what Senator Kennedy, our own Senator Kennedy, said in coming to the defense of Thurgood Marshall:

> Actually, Mr. Solicitor General, there would have been nothing improper for you to express an opinion down in Texas Law School because you were not nominated to the Supreme Court at that time. So, actually, now having received the nomination, then I assume that you have a different responsibility as far as commenting on these matters.

Mr. President, I agree with what I will call the Kennedy standard for reviewing past comments by Supreme Court nominees. What applied to Thurgood Marshall should apply to Clarence Thomas.

I have had an unusual experience. I serve on the Intelligence Committee as well as having been an advocate for Judge Thomas during these proceedings. So I have become, I guess, an expert on confirmation hearings. And people have said, is there something wrong with the process?

Mr. President, there is something wrong with the process. There is something wrong with the process. There is something wrong with the process because, if you have any kind of record, if you have made speeches, if you have written things, if you have served in positions of public responsibility, that is a terrible burden to bear before a committee of the U.S. Senate holding confirmation hearings. It is a terrible handicap to submit nominees today to grillings about things they have said in the past. So some people have said we are not going to have that anymore. We are not going to have known quantities. Everybody is going to be a stealth candidate. Everybody is going to come out of the mountains of New Hampshire or someplace.

I think to comb through prior speeches, taking what has been said in a political context as a foreshadowing of what might be said in a judicial context is mistaken, and it has the effect of inviting Presidents of the United States, present and future, to send us nominations of total nonentities. And I think that Senator KENNEDY was right back in 1967. I think that he was right that Thurgood Marshall should not have been held accountable for a speech he made as Solicitor General down in Texas.

So, Mr. President, those really are my comments for the moment. I guess I would just add one other comment. When the President asked Clarence Thomas, on July 1, to go to Kennebunkport, the President interviewed Judge Thomas and then they both went outside. The President of the United States said that in his opinion Clarence Thomas was the best qualified person in the country for the job.

And, of course, everybody immediately started dumping all over that and saying, "Oh, that cannot be. He's not the best person in the United States for the job. That is a stupid thing for the President to say. There are a lot of people who have much more experience or are smarter than Clarence Thomas," and that is true. But, Mr. President, I want the Senate to know that I agree with the President of the United States. I guess I am not exactly unbiased, having known this man for so long. But I agree with the President of the United States. I think he is the best person in America for the job, and I want to tell you why.

Yes, we could get law professors. Yes, we could get eminent jurists and elevate them to the Supreme Court. Yes, it may be that what we need is the greatest intellects of the country, nine strong, sitting on the Supreme Court of the United States. But, Mr. President, I do not believe that a Supreme Court Justice is a bottled brain, a brain disembodied from the rest of life, a computer with shoes on. I do not believe that is what a Supreme Court Justice is.

I believe that a Supreme Court Justice is a living, breathing human being

and that person should be judged as a living, breathing human being. That is what Clarence Thomas brings to the U.S. Supreme Court.

I consider him to be a great American, and I do not say that lightly. I consider him to be a great American because he has come further in his life than anyone I have ever known. I have heard Members of the Senate say to me, "Well, I was poor, too. I was disadvantaged, too." Mr. President, there is no one who serves in the U.S. Senate who knows disadvantage as Clarence Thomas knows disadvantage. Nobody here. Nobody here was born black in the segregated South. Nobody here was raised in a shack for 7 years without plumbing, in a broken home. Nobody knows that. Nobody has experienced that. Clarence Thomas has. He knows what it is like to be very poor. He knows what it is like to have no advantages except his grandfather who loved him and had high expectations, and some nuns who taught him.

That is what he brings to the Supreme Court: The character of the man. When Guido Calabresi, the dean of Yale Law School testified before the Judiciary Committee, this was exactly the point he made. He has grown more than anybody else and he has the potential of future growth unknown by any other potential nominee for the Supreme Court. Who else is George Bush going to nominate for the Supreme Court who brings this kind of wealth of personal experience, this kind of history of personal growth and this kind of future of growth? Nobody.

Mr. President, I ask unanimous consent that an op-ed piece by Guido Calabresi, the dean of Yale Law School, be printed in the RECORD.

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

[From the New York Times, July 28, 1991]

WHAT CLARENCE THOMAS KNOWS

(By Guido Calabresi)

NEW HAVEN.—I am a Democrat. Since the President and others have started to throw mud on liberals, I have proudly asserted that I am a liberal. I despise the current Supreme Court and find its aggressive, willful, statist behavior disgusting—the very opposite of what a judicious moderate, or even conservative, judicial body should do.

I think it strange that these strict destructionists should be allowed to get away with the claim that they are following the Constitution when, instead, they persistently reach well beyond the issues before them to impose their misguided values on the Great Charter and on all of us.

Yet I support the nomination of Clarence Thomas to that Court. Why?

First, because I know him and know he is a decent human being who cares profoundly for his fellows. He is not the caricature that some of his opponents have put forth. It is true that he has come to believe that some things we liberals have espoused to help African-Americans (and many other people, too) are counterproductive. I think that on the whole he is wrong.

But his conclusion is not so important as the fact that he does not deny that such measures helped him or that the people whom these remedies seek to help are deserving and often desperately need help. He has not turned his back on those in need, and especially not on African-Americans. If he had, he would be unworthy to sit on the Supreme Court. What he has done is to conclude, with many others and probably wrongly, that certain measures have done more harm than good. I wish I could convince him otherwise. Maybe some day someone will.

What matters most, though, is that, unlike many on the Court, he does know the deep need of the poor and especially of poor blacks, and wants to help. That will keep him open to argument as a Justice should be.

The second reason I support him derives from this direct knowledge of what it is like to be in need. This Court is outrageously homogeneous. It is overwhelmingly made up of gray Republican political hangers-on of virtually identical backgrounds. They all bring to the Court the same life experience and lack thereof.

How can they know what discrimination really means? How can they understand what fear of police, prosecutorial or state abuse and brutality is? When they babble that coerced confessions need not make trials unfair; that discrimination must be proved in individual cases and not through statistics, or that a single appeal is adequate even if a defendant is served by a lousy lawyer, they sound like what they are: people who neither through personal expeirence not academic thought could ever imagine themselves erroneously crushed by the power of the state.

Clarence Thomas, at least, knows better, and someday, in some case, that knowledge will make itself felt.

Of course, there are others as able as Clarence Thomas who also know this. And if I were President I would name someone like that who also shared my views. But it is a gross illusion to think that this Administration will do anything like that any more than the Reagan White House did when Robert Bork was cruelly caricatured and defeated. What we got then, what we would get now, is someone less able, with less life experience, a gray follower of all that is worst in the Court today.

And now, as then, The New York Times and eminent scholars who defeated the nominee will join the bandwagon of support for the nonentity. For in such a person the "offending" views will not stand out against the grayness of his background.

No, I would much rather have someone who does stand out, who holds his or her own views, with which I deeply disagree but who has somewhere, some time, experienced life and has been willing to stand up against the pack. Better such a one than someone who will readily blend in and be another anonymous vote for the activist and virulent views now so dominant on the Court.

For there is just a chance that such a one may stand up to the pack again, and remind us all of what it is like to be poor and friendless and to be facing a hostile state.

Mr. DANFORTH. Mr. President, this op-ed piece makes essentially the same point. Calabresi is a critic of the Supreme Court. In fact, he calls the modern Supreme Court disgusting. He says in the op-ed piece that he frequently disagrees with Clarence Thomas, but he believes that Clarence Thomas would bring to the Court the special qualities that come from his background that are totally unrelated to the qualities and the background of anybody serving on the Court today. And I think that is an excellent point.

The people who have come forward over the last 3 months, the people who feel strongly about this, are the people who have known Clarence Thomas for so long. Roy Allen, his former schoolmate, fellow altar boy, black State senator, Democrat from Georgia; the nuns who educated him in the Catholic schools in Savannah; the president of Holy Cross College; the dean of Yale Law School, all kinds of people who worked with him over the years in my office in Jefferson City, or here in Washington, or at Monsanto; the people at EEOC who have spoken to me with such a heartfelt view of this human being, the people who have known him and worked with him are those who have come forward, and it is those people against the interest groups. It is those who know him, on one hand, and the high hired guns, on the other hand. And that is the battle that is now going on.

The people who know Clarence Thomas believe in him. The little people who know him believe in him. That is where his heart is. When he walks the corridors of the Senate office buildings, the people he knows are the Capitol Police and the people who are pushing maps. He asks them about their kids. He knows them by name. The people who push the hampers around the halls with papers in them, those are the people he knows. Those are the people who have been hanging out outside the Senate caucus room. Amidst the lobbyists, amidst the special interest groups, have been the ordinary folk who have known Clarence Thomas over the years. Those are the people who feel strongest about him. That is where his heart is and that is where his heart would be if he is confirmed as an Associate Justice of the Supreme Court.

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have spoken on this subject immediately after the hearings were concluded and again during the Judiciary Committee session, and I have sought recognition again today as the full Senate considers the confirmation process on Judge Thomas. I have sought recognition to state my support for Judge Thomas for the Supreme Court of the United

States because I believe that he is intellectually, educationally, and professionally qualified, and his nomination will bring a very important element of diversity to the Supreme Court of the United States.

My comments relate to the nature of the process and the questions which Judge Thomas did answer and the questions which Judge Thomas did not answer.

It is an evolving process in our consideration of Supreme Court nominees as to the scope of the answers which the nominees will give.

During the course of the past decade, and the seven Supreme Court nominees who have been heard by the Judiciary Committee in which I have participated, it is my conclusion that nominees answer just as many questions as they feel they have to in order to be confirmed. In my judgment, Judge Thomas answered a sufficient number of questions but, candidly, I would have preferred he had answered more questions.

He did answer questions about the freedom of religion, on the Jeffersonian wall of separation between church and State. He answered questions about the free exercise clause. He answered extensive questions on privacy, although he did not go to the ultimate question as to how he would decide Roe versus Wade, nor do I think he could reasonably be expected to do that. Because on that kind of a critical issue, which is the most divisive one facing America since slavery, that issue really in my opinion can be answered only in the context of a specific case, on the facts, briefs, argument, discussion among the Justices, and then a decision.

He did answer questions extensively with respect to following court precedents. He did not answer some questions which in my opinion he really should have answered.

Illustrative of that, and I would not detail many, would be the questions I asked him on whether Korea was a war or not. That was a question which I had asked Judge Souter, and he declined to answer saying the issue might come before the Court. And I disagreed, saying it seemed to me that was one which was 40 years old and was not going to come before the Court.

And when I met with Judge Thomas back on August 1, I commented that I would ask him that question, and he replied recognizing that I had asked Judge Souter the question and he had some 6 weeks to think about it, and he declined to answer that question. In my view, an issue on the constitutional interpretation of congressional authority to declare war contrasted with the authority of the Commander in Chief, the President, is a very basic issue, and that, with 40 years having passed, the Judiciary Committee and the Senate are entitled to an answer as to how he would approach an issue like that.

This is an evolving matter. When Chief Justice Rehnquist was before the Judiciary Committee for confirmation, he at first declined to answer questions about whether Congress had the authority to take away the jurisdiction of the Supreme Court on some constitutional issues. And when I reminded him that, as a young lawyer back in 1958, William H. Rehnquist had written an article for the Harvard Law Record criticizing the Senate for not asking Justice Whittaker some piercing questions to get his philosophy on due process of law and equal protection, Chief Justice Rehnquist relented a little and did say he thought Congress could not take jurisdiction from the Supreme Court on first amendment issues of speech and religion.

I then asked him about the fourth amendment, whether the Congress had the authority to take away the Court's jurisdiction on fourth amendment issues, and he declined to answer that. I asked him what the difference was between taking jurisdiction from the Court on the first amendment contrasted with the fourth amendment, and he declined to answer that—perhaps, he said, first amendment rights are more fundamental.

Justice Scalia answered virtually no questions, would not even comment about Marbury versus Madison, a rock bed decision from 1803, establishing the authority of the Supreme Court as the final arbiter of constitutional issues. Justice Scalia would not even respond there.

So then Senator DECONCINI and I had formulated a resolution to try to provide some guidance to what nominees should answer. Before that could be moved upon, Judge Bork's nomination hearings came, and in the light of Judge Bork's record and his extensive writings he answered many questions.

I believe that it is appropriate to inquire into judicial ideology. There have been many questions answered by Justice Kennedy, many questions answered by Justice Souter, and many questions answered by Judge Thomas.

The process has evolved where it has a lot of similarities to the National Football League, where each team looks at the other's tapes before the Sunday game. We read Judge Thomas' writings, get an idea of him, and he looks at the tapes where we questioned other Justices in the past, and that highly stylized process has some real limitations. There is a dynamic quality, a certain dynamism of the hearings. And when nominees appear to feel safe, they answer fewer questions. If they feel they have to answer more questions to be confirmed, they do so.

We are going to have some hearings on this subject. I frankly doubt we are going to find any magical formula and that the real recourse in disagreeing with what a nominee has done is to vote no. That is the only real way to establish the parameters and the boundaries.

But in my judgment, Judge Thomas answered a sufficient number of questions and we do have a substantial insight into his approach to the law. Most fundamentally, we have insight into his approach, his background, and his life experience as an African-American. It is my view, a strongly held view, that there is an urgent necessity to have that kind of background among the nine Justices who will decide important questions.

Judge Thomas has come through a bitter experience with discrimination. One of his statements—and this is illustrative again—about looking out of his judicial chamber's window and seeing young African-Americans being brought for criminal trials. "And there," he said, "but for the grace of God go I." So that life experience, in my view, is extremely important, and is a very important factor in adding Judge Thomas to the bench.

I have expressed a concern about Judge Thomas in terms of whether he will follow congressional intent. His former writings evidence certain disdain, if not hostility, for the Congress. And there is a concern which this Senator has about whether he will join what I call the revisionist Court. And it is a revisionist Court and not a conservative Court because the current Court is revising the law, not in accordance with the conservative approach on interpreting the law, but I believe in many cases they are making the law. They take opinions written by a unanimous Supreme Court, illustrated by the Griggs decision in 1971, that was written by the conservative Chief Justice Burger; and five Justices in 1989, changed the law. Four of those Justices came before the Judiciary Committee in the past decade, put their hands on the Bible and swore not to make law but only to interpret law.

That is not in accordance with the appropriate standard, where Justices are supposed to interpret the law rather than make the law.

Judge Thomas has under oath insisted that he will follow congressional intent and that he does not have an agenda. And given the totality of circumstances I accept what he says in that regard.

One final note. I regret the delay in confirmation until Tuesday at 6 o'clock. The additional time is not cataclysmic or overwhelming in the course of a lifetime appointment. A man who is 43 may be on the Court, if he lives as long as Justice Thurgood Marshall, for some 40 years. But it seems to this Senator that 48 hours of debate would have been sufficient.

I would be surprised if there is more than 48 hours of debate consumed on this subject. I think that I may make a prediction—I hope I am wrong—but there will be a lot of quorum calls here

on Friday and Monday, although on Tuesday it will become a little more active. But we could have started last night at 6 o'clock. We could have gone late. We could have started early today and gone late. We could have started early tomorrow morning and gone late and finished our confirmation proceedings by the end of Friday so that the Senate would have concluded its business at least in time to allow Judge Thomas to take a seat if he is to be confirmed, or we could have come to the judgment before the first Monday in October. It would not have been a rush to judgment.

A number of Senators have commented about the problems of coming back. One Senator has to travel—Senator MURKOWSKI said on the Senate floor—some 20,000 miles in order to come back for a 6 o'clock vote on Tuesday. It is no major moment for this Senator coming from a relatively close State like Pennsylvania.

So it might be my hope that, at 1:12 p.m. on Thursday, we still might make a modification and vote before the end of business tomorrow. But I am realistic enough to know that is not likely to occur.

But I appreciate the opportunity to take the floor and make these remarks.

I support Judge Thomas for confirmation to the Supreme Court because he is intellectually, educationally, and professionally qualified and because he will bring an important element of diversity to the Supreme Court. I am concerned by his pre-nomination speeches disparaging Congress which raise a question as to whether he will follow congressional intent. Since he has insisted in Judiciary Committee hearings that he will uphold congressional intent, those earlier statements alone are insufficient to oppose his confirmation.

CONFIRMATION PROCESS

Some of my colleagues on the Judiciary Committee have criticized Judge Thomas for not answering enough questions. In my opinion, our procedures in the Judiciary Committee could be improved, but I believe that we have made considerable progress in terms of inquiring into the background and philosophical approach of a prospective Supreme Court Justice.

Since this country was founded in 1787, no nominee even appeared before the Judiciary Committee until Harlan F. Stone in 1925. Stone, then Attorney General, was treated to a barrage of questions concerning allegations of political revenge in the Justice Department's investigation into charges that Senator Burton Wheeler had improperly practiced law before a governmental agency. The Stone hearings, however, set no precedent: Testimony by nominees did not become a mandatory feature of the confirmation process for another 30 years.

Indeed, two nominees in the 1930's, Charles Evans Hughes and John J. Parker, did not testify, even though their nominations encountered significant opposition—in fact, Parker was defeated by a narrow vote of 39- to -41 over charges that he was insensitive to African-Americans and organized labor. While Felix Frankfurter testified before the Judiciary Committee in 1939, his testimony was limited to questions concerning his personal history and activities, especially his membership in organizations like the ACLU. Two months after the Frankfurter hearings, William O. Douglas, the next nominee, waited outside the door of the subcommittee in case any member wanted to question him, but none did.

In 1949, one nominee, Sherman Minton, went so far as to refuse to testify before the Judiciary Committee even though he had once made a speech arguing that a check was needed on the Supreme Court's power. That speech was made at the height of the Supreme Court's overturning of New Deal legislation and Minton, a Senator and ardent New Dealer, claimed that he had made that speech as a strong partisan of the New Deal, but that he had left politics behind when he became a judge. The committee respected his refusal and conducted hearings in his absence.

Since the nomination of John Marshall Harlan in 1955, however, every Supreme Court nominee has testified before the Judiciary Committee. And, in a departure from those few previous hearings where the nominee did testify, nominees increasingly were questioned regarding their views on substantive legal issues. Because isolationists opposed Harlan's nomination, he was questioned concerning his views on national sovereignty, the first time a nominee was asked his views on legal issues. Potter Stewart in 1959 became the first to be questioned about his political and social views, arising largely out of opposition to the Court's recent school desegregation and national security decisions. Even so, Byron White in 1962 was asked only eight questions by the Judiciary Committee, taking up barely five pages of the committee's hearing transcript. He was questioned about judicial disqualification, judicial review, the Court as a super-legislature, and Congress stripping the jurisdiction of the Court.

QUESTIONS CONCERNING PARTICULAR CASES

Even in present times, however, nominees have refused to answer questions as to how they would decide a particular case that could very well come before the Court during their tenure. In 1955, Harlan was the first nominee questioned about a specific case when he was asked to comment on the Steel Seizure Case, Youngstown Sheet & Tube Co. versus Sawyer. The questions came from conservative Senators seeking assurances that Harlan did not favor any diminution of national sovereignty. Senator Edward Jenner asked Harlan whether he agreed with the dissenters in the steel seizure case who, according to Jenner, "found that the President had the power to seize the steel mills * * * to meet his obligation to the United Nations, not to the Constitution. * * *" Harlan refused, suggesting that commenting on the case might prejudice his deliberation upon similar cases coming before the Court in the future.

Similarly, in 1967, Thurgood Marshall refused to answer questions concerning the Court's recent decisions in Escobedo versus Illinois and Miranda versus Arizona. Marshall explained that he could not answer the question:

> * * * because there are many cases pending in the Supreme Court right now on variations of the so-called Miranda rule, and I would suspect that in every State of the Union there are other cases on different variations of the Miranda rule that are on their way to the Supreme Court, and if I am confirmed, I would have to pass on those cases.

The Senator questioning Marshall, Senator McClellan, argued that since a new Supreme Court Justice could change the balance of the Court, especially since Miranda was decided by a 5-to-4 vote, the committee needed to glean some impression as to the trend of the thinking and the philosophy of the one who is to receive confirmation. Once again, Marshall replied that "on decisions that are certain to be reexamined in the Court, it would be improper for me to comment on them in advance."

Indeed, even though Lewis Powell had previously made comments about Escobedo and Miranda, he refused to answer questions about whether those cases should be overruled. As a member of the President's Commission on Law Enforcement and Administration of Justice, Powell joined in the minority statement which criticized the Miranda and Escobedo decisions. Later, Powell criticized the decisions again in an article in the FBI Law Enforcement Bulletin for October 1971. Powell argued in his article that the decisions had further strengthened the rights of accused persons and limited the powers of law enforcement. When questioned again by Senator Mathias, Powell stated that he believed that Escobedo was properly decided on its facts but that the Commission's minority report was concerned with the scope of the opinion rather than with its precise decision.

CONSIDERATION OF JUDICIAL PHILOSOPHY

A question which is still very much in debate is whether a nominee's judicial philosophy should be the subject of questioning and, ultimately, whether it may play a role in the Senate's vote on confirmation. The history of our country demonstrates—at least in my view—that a nominee's philosophy and approach to legal issues are indeed germane to the confirmation process and

this view has evolved to become the predominant practice of the Judiciary Committee.

Thus, the Founding Fathers in earlier drafts of the Constitution gave the right of confirmation solely to the Senate. In their initial voting, the Constitutional Convention rejected both a plan granting advice and consent to the Senate and a proposal to place the appointing power solely with the Executive. Instead, what survived until the final days of the Convention was a provision giving the Senate sole power to appoint Judges of the Supreme Court: to wit, "The Senate of the United States shall have power * * * to appoint * * * Judges of the Supreme Court." (Aug. 6, 1787 Report of the Constitution, Art. IX, sec. 1). Then, in the last days of the Convention, the Committee of Eleven offered a compromise between those who wanted the power to reside solely with the President and those who wanted it to reside solely with the Senate: nomination by the President, and advice and consent of the Senate. Lest one view this change as undermining the Senate's role in this process, Alexander Hamilton, in Nos. 66 and 76 of the Federalist, clearly stated that the Senate would have a full role in the process:

> [T]he necessity of [the Senate's] concurrence would have a powerful, though, in general a silent operation. It would be an excellent check upon the spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity. (No. 76 at 457)

However, Hamilton also indicated that the Senate must accord some deference to the President's choice:

> There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President. (No. 66 at 405)

The history of rejected nominees confirms that the Senate may take into account legal philosophy and approach in determining whether to confirm a nominee. John Rutledge, the first nominee to the Supreme Court to be rejected by the Senate, was rejected because of his views. Rutledge, who was nominated to be Chief Justice by President Washington, had served as a delegate to the Constitutional Convention, as an Associate Justice of the Supreme Court, as chief justice of the South Carolina Supreme Court, and, pursuant to a recess appointment, as Chief Justice of the United States. He was a man of acknowledged professional ability; thus, integrity and judicial temperament simply were not at issue. Nevertheless, his nomination to serve as Chief Justice of the United States was rejected by the Senate.

John Rutledge's nomination was rejected largely because members of his own party strongly disagreed with the position he had taken, shortly after his nomination, in opposition to the Jay Treaty. The Jay Treaty had been negotiated by Washington to ease tensions with the British and resolve a number of trade issues. It was strongly opposed by many anti-British elements. Rutledge spoke out against the treaty, and that single political position led to the rejection of his nomination after a long and acrimonious debate. The vote to reject the Rutledge nomination was 14-to-10, and it is of particular import as we consider the constitutional advice and consent role of the Senate that among the Senators voting against the nomination were some who, like Rutledge, signed the Constitution.

Chief Justice Roger Taney, of Dred Scott infamy, originally was nominated to be an Associate Justice of the Supreme Court. Taney was not confirmed by the Senate because, as a member of the Jackson Cabinet, he had removed all Federal funds from the Bank of the United States on President Jackson's orders and thus incurred the wrath of certain Members of the Senate who supported the Bank.

In this century, ideology has continued to play a role in opposition to some Supreme Court nominations. There was considerable—although ultimately unsuccessful—opposition to the nomination of Justice Brandeis, based on his progressive political philosophy. Similarly, the nomination of Judge John Parker to the Supreme Court was rejected in large part because of his anti-union views and his views on race issues. More recently, ideological considerations played a determining role in the Senate's failure to confirm President Johnson's nomination of Justice Abe Fortas to be Chief Justice. Nor can there be any doubt that ideology played an important part in the Senate's rejection of President Nixon's nominations of Clement Haynesworth and Harold Carswell to the Supreme Court.

Hearings on nominations during the 11 years I have been on the Judiciary Committee demonstrate how important it is that nominees answer basic questions, including questions regarding legal philosophy. At the same time, I believe it is inappropriate for a nominee to answer questions regarding how he or she would decide a particular case, for example, Roe versus Wade.

Justice Scalia's hearing provides an example of a nominee refusing to answer even the most basic questions. For example, when asked whether he agreed with the bedrock decision in Marbury versus Madison that established the supremacy of judicial review of questions of constitutionality, Justice Scalia, while acknowledging that the decision was indeed a pillar of our jurisprudence, said: "I do not want to be in a position of saying as to any case that I would not overrule it." Justice Rehnquist—now Chief Justice—was also very reluctant in his confirmation hearing for Chief Justice to state views on whether he agreed with landmark Supreme Court decisions. When asked about Marbury versus Madison, he sought to justify his refusal, saying:

> [T]he fact that the issue is fundamental, and important, does not make it any less one that could well come before the Court. And I think the approach I have to take is, in a case like that, I ought not to attempt to predict how I would vote in a situation like that.

Justice Rehnquist's position represented a reversal of his own conclusion stated in a 1959 article in the Harvard Law Record. There he had criticized the Senate for failing to obtain Justice Whittaker's views during confirmation hearings on fundamental issues, including school segregation and Communists' rights and constitutional doctrines such as equal protection and due process. Indeed, he concluded his article saying, "The only way for the Senate to learn of these sympathies is to inquire of men on their way to the Supreme Court something of their views on these questions." In his own hearing, Justice Rehnquist retreated from answering many such questions, although he did finally answer on important substantive issues saying that the Supreme Court's jurisdiction could not be undercut on first amendment issues such as freedom of speech, press, and assembly and that the due process clause of the 14th amendment incorporated basic rights from the Bill of Rights such as freedom of religion.

JUDGE THOMAS' ANSWERS

I believe Judge Thomas' responses were adequate:

Judge Thomas answered questions in some detail on the establishment clause of the first amendment, saying that he agreed with the idea, first advanced by Thomas Jefferson, that there should be a wall of separation between church and State, a very important doctrine.

He answered questions on the free exercise clause, agreeing with Justice O'Connor's concurrence in Smith versus Oregon that Justice Scalia's majority opinion wrongly jettisoned the traditional strict scrutiny standard used by the Court for judging State practices which impacted on an individual's free exercise of religion.

He answered fairly detailed questions on stare decisis, specifically disagreeing with the view, expressed by Chief Justice Rehnquist in Payne versus Tennessee, that decisions involving individual rights should be accorded less deference than property and contract decisions.

Judge Thomas answered detailed questions on the right to privacy. He went beyond Justice Souter's answers on the issue to recognize a right to privacy for married and unmarried individuals grounded in the liberty compo-

nent of the due process clause. Those answers were amplified by his answers to Chairman BIDEN's written questions on this issue.

He responded to questions regarding the death penalty, indicating that he had no philosophical opposition to it.

He stated his agreement with the Supreme Court's current three-tiered standards for analyzing equal protection cases.

He specifically stated that he accepted the Supreme Court's decisions on the validity of affirmative action. In particular, he stated his agreement with a statement by Justice Stevens in Metro Broadcasting versus FCC, which upheld the constitutionality of the FCC's policy giving preference to minority applicants for new broadcast licenses, that "Today, the Court squarely rejects the proposition that a government decision that rests on a racial classification is never permissible, except as a remedy for a past wrong." This is a significant statement on his part, recognizing the validity of decisions on voluntary affirmative action programs with which he personally disagrees.

Even when he felt constrained—rightly in my view—not to answer a question because it required him to indicate how he would vote in a particular case, Judge Thomas gave the Judiciary Committee a sense of how he would approach such a case. For example, when discussing Rust versus Sullivan, the recent decision affirming the constitutionality of regulations preventing federally funded clinics from mentioning abortion to patients, he stated that he would be troubled by the view that the Federal Government has an unfettered right, unimpeded by the first amendment, to restrict the speech of individuals simply because those individuals receive Federal funding. And, in refusing to answer a question about Payne versus Tennessee, which upheld the constitutionality of victim impact statements in the sentencing phase of capital cases, he nevertheless stated that he would be concerned about the possibility of emotion being injected into the serious decision whether to invoke the death penalty in a particular case.

Although he would not answer questions about Roe versus Wade, the abortion case, and Bowers versus Hardwick, the case on other privacy rights, we have to remember that these are very contentious issues which may very likely come before the Court in the near future. In particular, Roe versus Wade concerns the issue of the legality of abortion, which is the most divisive question to face this country since slavery.

There have been a number of witnesses who appeared before the Judiciary Committee, in particular Ms. Eleanor Smeal, a very powerful witness, who stated that Judge Thomas ought to state how he would have voted on Roe versus Wade. It is my judgment—and Senators differ on this—that it is not appropriate to compel or press nominees to answer how he or she would vote on a particular case involving difficult and hotly debated questions; rather, such a case ought to be decided in a specific factual context where there are briefs, arguments and deliberation among the Justices, and then a final decision is made.

THE COURT AS A SUPER-LEGISLATURE

From Judge Thomas' answers on following congressional intent, there is reason to expect him not to be a party to the recent decisions of the revisionist court. In Garcia versus San Antonio Metropolitan Transportation Authority, a decision recognizing Congress' extensive power to legislate in the field of economic regulation concerning wages and hours, two justices expressly stated they awaited another appointee who would overturn that decision. Similarly, in Wards Cover Packing Co. versus Atonio a majority of the Supreme Court overturned a unanimous Supreme Court decision, Griggs versus Duke Power Co., which had set the standard of proof for cases challenging employment requirements and tests that were discriminatory in their impact on minorities. That precedent had held for 18 years, during which Congress refused to act to change that decision; nevertheless, this did not stop Supreme Court Justices from making new law, including four Justices who had placed their hands on the Bible during the course of the past 10 years and swore not to make law but only to interpret it.

Similarly, in Rust versus Sullivan, a majority of the Supreme Court upheld regulations, put in place only in 1988, which reversed 17 years of regulations and prohibited clinics receiving Federal funds from discussing the alternative of abortion with patients. When Congress has acted, and contemporaneous regulations are put into effect, and Congress leaves those regulations untouched for a period of 17 years, it raised a strong if not conclusive, presumption that those regulations express the will of Congress.

I questioned Judge Thomas extensively on this issue because of his prior statements disparaging Congress. Illustratively, in a speech on April 8, 1988, Judge Thomas said that "it may surprise some but Congress is no longer primarily a deliberative or even a lawmaking body * * * [T]here is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business." In a speech on April 23, 1987, Judge Thomas criticized Johnson versus Transportation Agency, Santa Clara County, which upheld a voluntary affirmative action program for job categories traditionally segregated against women, and stated that he hoped Justice Scalia's dissent in the case would "provide guidance for lower courts and a possible majority in future decisions." Johnson and the other cases Judge Thomas has criticized involved purely statutory issues, not constitutional issues, and thus the intent of Congress must be controlling. Notwithstanding my concerns, I am relying on Judge Thomas' testimony that he will not promote an agenda on policy issues, but will follow congressional intent.

In my questioning of Judge Thomas, he stated that he accepted Johnson as well as other Supreme Court decisions upholding affirmative action programs as the law of the land. He also agreed that the fact that Congress had the authority to change those decisions but had not done so was strong evidence that those cases expressed Congress' intent regarding title VII of the Civil Rights Act of 1964. He also stated that he had no reason to disagree with the statement by Justice Stevens in Metro Broadcasting.

On the policy issue regarding affirmative action, while I disagree, I believe his views are within the realm of reasonableness. I accept his assurances that many of the statements he made regarding Supreme Court decisions on affirmative action represented a policy disagreement rather than any disrespect for the Court and Congress as institutions.

JUDGE THOMAS' BACKGROUND

Of paramount importance, I believe that Judge Thomas has the intellectual, educational, and professional qualifications for the Court. Yale Law School Professor Drew Days, who opposed Judge Thomas, conceded that Judge Thomas has the intellectual and educational capability to be on the Court. Yale Law School Dean Guido Calabresi testified that he thought Judge Thomas merited a "well qualified" designation from the American Bar Association compared to others who had received that rating from the ABA. Former Chief Judge John Gibbons of the Third Circuit testified he knew Judge Thomas well from their joint service on the Holy Cross College Board of Trustees; he had read all of Judge Thomas' opinions, and concluded he was well qualified for the Supreme Court. I personally found Judge Thomas' responses to intense questioning to be at a high intellectual level.

My own reading of Judge Thomas' opinions led me to believe that he is a solid judicial craftsman with a healthy streak of independence. They also show that he may defy those who would pigeonhole him in any particular mold. In United States v. Lopez, a decision when he sat on the three-judge appellate panel, the lower court, believing it had "no discretion" because of the Sentencing Guidelines' bar on consideration of socioeconomic factors in sentencing, refused to depart downward because of the defendant's violent and

traumatic upbringing in which his stepfather threatened to kill him and he watched as his mother was thrown off a roof—allegedly by his stepfather. The circuit panel Judge Thomas sat on remanded for resentencing, noting that domestic violence is not necessarily socioeconomic and thus that the lower court had failed to differentiate between truly socioeconomic factors and Morales' tragic childhood.

However, implicit in the Lopez decision is that traumatic family history may, in unusual circumstances, require a reduction in sentence. Judge Thomas was willing to go the extra mile in giving this young Hispanic an opportunity to lessen his sentence, even though the statute and other case law prohibited consideration of socioeconomic circumstances.

At one point in the hearing, Judge Thomas poignantly testified that, as he looks out the window of his chambers in the courthouse and sees the police buses bringing in African-American defendants, he thinks, "There, but for the grace of God, would go I."

Judge Thomas will bring a measure of diversity to the Supreme Court with his African-American roots, which the Supreme Court sorely needs to give it a fuller picture of our great country.

Based on Judge Thomas' intellectual and educational background and the diversity he will bring to the bench, I believe he is qualified to sit on the highest Court in the land.

I want to congratulate the chairman of the Judiciary Committee on an outstanding job, congratulate the ranking member of the Judiciary Committee on an outstanding job. Senator BIDEN has just come back to the floor. So I would seek his attention on my congratulations on the work which he has done in collaboration with the ranking member, Senator THURMOND.

I notice I have gotten Senator THURMOND'S attention. It is a laborious proposition to run those hearings. It is one big job. They have excellent staff, some of who are on the floor now. I thank the staff of the Judiciary Committee.

I note my own staff, Richard Hertling, Tom Dahdouh, and Barry Caldwell have done an outstanding job. We have brought this matter I think to a good conclusion and, had we finished by Friday, I think it would have been preferable. But I think the Senate has done its job and soon will work its will.

Mr. BIDEN. Mr. President, I would like to thank my colleague from Pennsylvania for his kind remarks, and only add that I too would have been happier as the ranking member would have been had we been able to finish this by Friday. I expect that we will have a fair amount of downtime between now and the time we vote on Tuesday in terms of accommodating Senators' schedule to get to the floor to speak.

But having said that, nonetheless, we are pretty much on track and we will have a final vote on this matter on Tuesday at 6 o'clock. But I thank my colleague for his kind remarks.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am glad that we are finally getting to the point of consideration on the floor of this body of the nomination of Judge Thomas to be Associate Justice for the Supreme Court.

I hope that everybody has come to the conclusion that by this time, after several weeks now that this has been discussed publicly as well as behind the scenes and in the open on Capitol Hill, that there is little doubt in any Senator's mind that Judge Clarence Thomas is fully qualified to fill the position of Associate Justice of the Supreme Court to which he was nominated on July 1 by the President of the United States.

Even though I feel confident about this, even though I think everybody else should have come to that same conclusion obviously, probably not everyone has for one reason or another, we are devoting then 4 days of debate to this confirmation.

I agree with Judge Thomas' opponents that the Senate's advise-and-consent function is an important responsibility. I am not sure that I agree with how it is carried out, or that long hearings are necessary. But if we are also going to make Supreme Court nomination fights about our individual policy agendas, litmus test-type issues that we all have interest in, then I think that everybody here, both pro and con on Judge Thomas, ought to admit that politics is the real issue, and then be candid about the standards that we are applying.

Judge Thomas survived the strict scrutiny of our Judiciary Committee, as well as rhetorical lynchings by single-issue interest groups inside the Beltway but outside the Congress; but very much groups that can have and sometimes do have too much influence on Congress.

Despite the broad inquiry into Judge Thomas' record, no one can credibly question his qualifications as a judge or his commitment to judicial restraint. Members of the Judiciary Committee—and I am one of those—had a role in considering all things about Judge Thomas. We poured over 36,000 pages of documents that Judge Thomas was required to produce, looking for the extremist that groups outside of Congress, but inside the Beltway, describe Judge Thomas to be.

We did not find any evidence whatsoever of an extremist out of any of those 36,000 pages.

Judge Thomas' opponents did lift some throwaway lines, none of which were germane to the speech or the article in question, and read them back to Judge Thomas somewhat out of context to make this candidate appear to be scary.

I think Judge Thomas showed, through his testimony, as well as his legal opinions—for those who bothered to read his legal opinions—that he is very much of a mainstream judge. He looks at the factual record, considers the arguments, and applies the law fairly. He made it clear that he will use traditional methods of constitutional analysis, looking to the text and the framers' intent. Clarence Thomas is not a judge who will look to his personal preferences for the appropriate rule in a case.

There is nothing out of the mainstream about Clarence Thomas. Clarence Thomas stands for fairness, for equal treatment of every individual in our society; basic American values, I believe, is what he stands for and projects.

We know from the record of Judge Thomas, both on the bench and off the bench, and also as a public servant and from the powerful testimony of those who know him well, that this is the sort of individual he is. People of all political persuasions, people who care deeply about the composition of the Supreme Court, told the committee of the depth of their confidence in Clarence Thomas' fairness and commitment to the principles of equality and justice.

Former NAACP head Margaret Bush Wilson, Yale law school dean, Guido Calabresi, Holy Cross President Father John Brooks, and many others—all say Clarence Thomas is one of the most fair-minded individuals that they have ever met.

I find the testimony of those who know a man far more credible than ideologically motivated attacks by strangers, and there has been plenty of that.

I think every Senator should be convinced of Clarence Thomas' fairness and commitment to justice. But Clarence Thomas' opponents are not satisfied with fairness. They do not want a Justice who takes into account all sides. They do not want a Justice who reserves his judgment until the arguments are over. They want a Justice who has already picked a side, their side. They want a Justice who will side with the defendant in a criminal case every time, a Justice who will refuse to take into account the interest of the victims of crime. They seem to also want a Justice who will tolerate reverse discrimination in order to give special preferences to groups, regardless of individual need.

They also seem to want a Justice who would turn every special entitlement of the welfare state into a constitutional "right." They want a Justice who adheres to precedent, so long as it is their precedent—a liberal precedent.

Mr. President, Clarence Thomas is not outside of the mainstream. It is his opponents inside the beltway lobbying against this nomination who are outside of the mainstream. They are insulated from the rest of the country. They see the United States as 99 percent DC and the 1 percent the rest of the 50 States.

The opponents of Clarence Thomas are right to push for Supreme Court nominees who will sign onto their ideological checklist, because they cannot get the American people to implement this liberal social agenda through the legislatures or the executive. The only way they can get their program implemented is through activism in the least democratic branch of Government.

Let me say, when I talk about the Supreme Court as the "least democratic branch," it is not intended to be democratic. People do not seek election to the Supreme Court. They are appointed there with lifetime tenure, to be insulated from public opinion, so that they can interpret the laws, and so that they can interpret the Constitution free of that pressure, according to original intent, or the intent of the legislative bodies.

They should not look to the Court to adopt some social policy just because there is a vacuum created by the political branches of Government. These people are, hence, upset, because the Supreme Court is no longer dominated by Justices who would convene a Constitutional Convention of nine unaccountable people every October to solve some of these problems.

The opponents of Clarence Thomas have been talking a lot about the purported problem of conservative judicial activism. I am glad to hear that they are concerned about judicial activism per se, and the need for a proper regard for judicial precedent. I only wish, Mr. President, they would not be so selective about when they raise these concerns.

During the hearing, several Senators wanted Judge Thomas to agree with quotes from Justice Marshall's recent dissent in Payne versus Tennessee in which he says Justices should not overturn precedent simply because they have the votes to do so.

This is the same Justice Marshall who voted more than 750 times to hold the death penalty unconstitutional, despite the clear constitutional language and judicial precedent to the contrary. Justice Marshall joined his liberal colleagues last year to disregard a 1-day-old decision on the constitutionality of Arizona's death penalty in a case that Justices O'Connor and Kennedy could not participate in because of their involvement in lower court decisions. Justice Marshall overturned a 1-day precedent because—and simply because—he had the votes at that point, just for a 24-hour period of time.

The opponents of Clarence Thomas believe in judicial restraint and adherence to precedent—conservative Justices should restrain themselves and adhere to liberal precedent. That is not right. The same voices who now make pious declarations about adhering to precedent were noticeably silent when the Warren and Burger Courts were busy overturning dozens of cases.

These opponents voice concern about judicial activism, but I have not heard any of them criticize the Missouri judge who ordered a tax increase, or the New York judge who said the city could not prohibit panhandling in the subways, or the New Jersey judge who held that a city could not prohibit vagrants from making their home in the public library.

The fact is the opponents of Clarence Thomas, who are the most vocal critics of the Rehnquist Court, only insist on following precedent when it is liberal precedent, and only talk about judicial activism when they disagree with a judge's decision.

The opponents of Clarence Thomas have questioned his credibility. I think there is a credibility problem with those who question Judge Thomas' credibility. When the Court hands down decisions whose results they disagree with, they shout "judicial activism," and "no regard for precedent."

When someone they disagree with says judges should stick to the written text of the law and adhere to long-standing rules, they have a long list of names to call him: Reactionary, right-wing extremist, ultra-conservative, implications of being heartless, and so on and so on.

The opponents of Clarence Thomas present themselves as champions of civil rights, of equal opportunities for minorities. They are all for the advancement of minority individuals, so long as individuals stick to the list of politically acceptable ideas about civil rights.

The opponents of Clarence Thomas cannot be fighting him because they think he is unqualified. He has a solid record as a judge, and, at 43 years of age, he is one of only three nominees for the Court in this century who have worked as lawyers in all three branches of our Government, and at both the State and Federal levels of our Government.

They cannot be opposing him because he is a judicial activist. His opinions and writings show clearly that he is not. They cannot say he lacks credibility when he says the same things he said a year and a half ago when being confirmed to the court of appeals, and did not back away from any of those during the hearings for Associate Justice.

Maybe they oppose him because he is a Republican judicial conservative who opposes quotas, and also happens to be black.

As the warning calls from the top of the liberal watchtower here in Washington get louder, and they get louder in the next 4 days, I think maybe we can conclude that things for Justice Thomas are getting better.

To judge by the way this debate has been conducted, we can be confident that the more we hear about judicial nominees being out of the mainstream, the more mainstream these nominees probably and actually will be. The more we hear about conservative judicial activism, the more certain we can be that judicial activism has been eliminated on the Court.

We have been hearing a lot from the people who oppose Clarence Thomas, but I am sure that we are going to hear a lot more in the future, when they find they have to present their social agenda to the people of this country, making decisions through the democratic branches of our Government, through the legislative process, instead of foisting it upon us through the unelected officials on the highest court in this land.

So, after 2 weeks of hearings, after 3 months of this nominee's name being before the people of the United States, after my own questioning of him as to his competence, his integrity, and most importantly, his judicial philosophy, I am satisfied that the vote I cast for Judge Thomas a year and a half ago for the court of appeals was the right vote.

I thought with his nomination to the Supreme Court, that I could vote for him again. But I had an obligation to wait until those hearings were over. As the end of those hearings, I am still very satisfied with his judicial philosophy, with his integrity, and with his competence to be on the Supreme Court. And I praise President Bush for this nomination.

At this point, in the last 4 days of the debate, all I can do is urge my colleagues who have not made up their minds to think in terms of the entire record, and not the political agenda of the opposition and the lobby groups, and they will come to the conclusion I have.

And so I urge those colleagues to support Judge Thomas' confirmation.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, I rise in support of the nomination of Judge Clarence Thomas for the U.S. Supreme Court. I do so after reviewing this nomination for the last 2 months, including hundreds of pages of documentation submitted both for and against the nomination; and most importantly having watched Judge Thomas' testimony on his own behalf and the testimony of others before the Senate Judiciary Committee over the past 2 weeks; I have decided to cast my vote based on that review.

My support is based primarily on three factors:

First, based on all the evidence that I have received, Clarence Thomas'

record as a judge, although brief, has been a very good one. Indeed, I was very impressed by the American Bar Association's testimony on this point. And in determining fitness for the highest court in the land, it is the nominee's actual record as a judge which is most important.

Second, in my personal meeting with Judge Thomas and in his testimony before the committee, I became convinced that he has both the proper judicial temperament for the Supreme Court and the necessary fundamental respect for the law and recognition of its real-life consequences.

Finally, there is the personal trait that is very hard to describe, but which might best be simply called character or integrity. And as a native Georgian, as well as a U.S. Senator from Georgia, I can say with pride that I believe the Nation has seen something distinctly Georgian in Clarence Thomas, in the strong sense of self and purpose he tracks back to a very close community.

I do want to stress that this decision has not been an easy one. As many of us have noted at the outset of this process, I believe that the responsibility for passing judgment on Presidential nominees to the Supreme Court is the most important constitutional duty of a U.S. Senator. The Senate's role of advice and consent is the last step along the road to permanent, lifelong service on the highest court in our land. As one Senator, my vote represents the last voice that more than 6 million Georgians have or will ever have on this issue.

I must also confess that, unlike others, my vote is not cast without some doubt. But from the day that I met with Judge Thomas last July, I told him, and I have tried to insist on every judicial nomination of every President, that I would give both the President and his nominee the benefit of the doubt.

Mr. President, I do not know—and I emphasize "know"—I do not know how Clarence Thomas will vote on any of the upcoming controversies facing the Supreme Court of the United States. And there are many, many examples in American history of Supreme Court Justices defying the expectations of those who appointed them. But even if we did know with certainty about the handful of cases that currently looms largest on the judicial horizon, it is more likely that future cases and controversies not yet articulated will prove at least equally important in setting the bounds for personal freedom and individual liberty in civil law as those currently pending.

So, in the final analysis, my vote is essentially one of hope and one based on what I consider to be Judge Clarence Thomas' promise, a hope that Clarence Thomas will demonstrate the same independence, the same self-reliance, and the same promise that have been the hallmarks of his struggle and his career; a hope that Clarence Thomas will not forget those who are seeking still to better this Nation and better themselves, yet who remain cloaked in the shadows of the injustice, intolerance, and inequality that still exist in our society; finally, a hope that Clarence Thomas will remain true to his promise to uphold the Constitution of the United States, to restrain from judicial activism, to approach each and every case before the Court with an open mind, and to judge each case on its merits and its merits alone.

Most Americans have seen the play "My Fair Lady." As we know, "My Fair Lady" is the theatrical depiction of George Bernard Shaw's play "Pygmalion."

The story is about a little flower girl, Eliza Doolittle. The old professor, Henry Higgins, decides and places some bets that he can make a proper lady out of this London street girl who sells flowers. After getting all the bets from his friends, he sets about his training.

There are many, many wonderful scenes, but my favorite is at the dinner table when Professor Higgins is trying to teach Eliza at least which knife to use, which fork to use, where she places her napkin; in other words, basic manners. But being frustrated in his attempt, suddenly, in this wonderful scene, he throws down his books and he looks over and he says,

> The great secret, dear Eliza, is really not whether you have good manners or bad manners, but the same manner towards all people, to act as if you are already in Heaven where there are no second-class characters and one soul is as good as another.

Under our constitutional system, Mr. President, it is the same manner toward all people that is the hallmark of the law, the mandate of justice, and in the end the responsibility of judges.

As I called Judge Thomas this morning and informed him of my decision, I asked him again simply, when he puts on the robe of judicial independence, to remember that there are still many, many people in our Nation who are left in the shadows, who seek and deserve simple justice, and all they ask of an individual Supreme Court Justice or those who serve on the highest court of the land is to have the same manner toward all people when judging these cases and controversies. That is my hope for Judge Clarence Thomas. I have every belief that he will rise to that standard.

I thank the Chair.

Mr. BIDEN. 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. KENNEDY. 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. KENNEDY. Mr. President, I understand that there has been a rotation policy between those who are supporters and those who are opposed to the nomination. I understand that has been the procedure which has been followed.

I see that my friend and colleague, the Senator from Ohio, would like to speak briefly. I ask unanimous consent that, following the Senator from Ohio, I be recognized and be permitted to speak out of order.

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

Mr. METZENBAUM. Mr. President, I appreciate the consideration of my good friend from Massachusetts. the Intelligence Committee is proceeding at this point, I have inquired of staff representatives on the other side of the aisle, and they indicated they did not see any problem with that.

Mr. President, I take the floor today with one purpose, and that is to urge Senators to take the time to read and reflect upon the record in the nomination of Judge Clarence Thomas for the Supreme Court. Two and one-half months ago, Judge Thomas' nomination was regarded as a shoo-in. In the days just prior to his confirmation hearing, it was still regarded as a sure thing.

Well, last week, Judge Thomas was unable to muster support from a majority of the Judiciary Committee. The reason for that turnaround is simple. The members of the committee have taken the time to study the lengthy and controversial record of this nominee and to reflect upon his evasive, unresponsive, and at times simply unbelievable testimony before the Judiciary Committee.

The message for the entire Senate is unmistakable. If Senators take the time to examine carefully Judge Thomas' record and his testimony and his failure to answer a host of questions, they will come away with a very different perception of him than was created by the White House media blitz this summer.

The White House spin doctors created a powerful picture of Clarence Thomas. They stressed his up-from-poverty roots and his childhood experiences with segregation. It was—and it is—a powerful story. But that is not the entire question before this body.

For weeks the media and most Members of the Senate obliged the White House by focusing chiefly on Judge Thomas' life story. Judge Thomas spent weeks visiting dozens of Senators, and it is a fact that he is a very warm and personable man. I would even say he is a nice guy and I am sure that he made a good personal impression with most Senators.

But, then, you have to look at the record. And when you look at the record you come up with a different

conclusion. No Senator should be stampeded into voting for this nomination, and certainly no Senator should vote for this nomination by reason of loyalty to the President.

One of the most disturbing aspects of this entire confirmation process is the question of: You have to do it because the President nominated him and therefore it is a sense of loyalty; we have to vote to support him.

I say to my colleagues in this body that each of us has a solemn obligation to our constituents, and, yes, to our own consciences, and to all Americans, to thoroughly and carefully consider this nomination based on Judge Thomas' record, based on his credentials, based on his testimony before the Judiciary Committee. We owe the American people nothing less before the Senate confirms one of the nine people who are the final arbiters of the law of this land.

If Senators examine Judge Thomas' record, credentials, and testimony—and then reflect upon the fact that he could be on the Supreme Court until the year 2030—I believe that a majority of this body will conclude that Judge Thomas should not be confirmed for the U.S. Supreme Court. And I say to those on both sides of the aisle who have already indicated how they intend to vote, do not let that be the final answer. Go back and look at the record. Go back and see what he said and what he did not say. And if you do that, my guess is you may reconsider your previously announced position. I address that to those who have indicated they intend to support him at this point.

At a later point I will address myself more fully to the whole question of Judge Thomas' nomination.

I very much appreciate the courtesy of my good friend from Massachusetts, Senator KENNEDY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, there was a time, more recently than most of us would like to remember, when all Americans were not equal under the law. For nearly two centuries, the eloquent promises of the Constitution remained unfulfilled, as the Nation systematically denied equal justice under law to women, minorities, the poor, and the disadvantaged.

In our lifetime, however, we have seen the promise more nearly fulfilled, because of the genius of the Constitution, in which the judicial branch of Government is insulated from the unfair pressures that can sometimes be exerted by majority rule. When the legislative and executive branches failed to defend the rights of all Americans, the Supreme Court finally stepped in to protect those whom our political institutions had swept aside. The Court made clear that majorities cannot segregate Americans based on the color of their skin, cannot silence minorities by denying them the right to vote, cannot abuse the right of criminal defendants to due process of law, cannot dictate the most fundamental and most private decisions of individuals about how to live their lives, and cannot relegate women to the status of second-class citizens. By default, the Supreme Court became the principal defender of the constitutional rights of individuals against the will of the majority.

Justice Thurgood Marshall has been one of the champions of this renaissance. Throughout his lifetime, he has been one of the greatest and most committed defenders of individual liberty. He enabled us to see injustice more clearly and overcome it more fully. Now it is up to us as Senators to see that we do not squander the advances he spent a lifetime struggling to secure.

As the full Senate begins its consideration of Judge Clarence Thomas' nomination to serve as an Associate Justice of the Supreme Court, a central issue is the role of the Supreme Court in our Government of separated powers. For the unique and irreplaceable role of the Court defines the test each nominee must pass.

Will nominees continue the Court's progress? Will they be committed defenders of individual rights? Or will they turn back the clock, reversing the still-fragile protections which too many Americans waited too long to enjoy?

Nominees to the Supreme Court are different from all other nominees, because their decisions are so final. It is essential therefore for the Senate to insist that nominees shoulder the burden of demonstrating a commitment to fundamental constitutional values. If we are not confident that nominees possess a clear commitment to the fundamental constitutional rights and freedoms at the heart of our democracy, they should not be confirmed. The Constitution is too important, and the appointment of a Justice is too permanent, to accept anything less.

The merits of this nomination were not settled by the 1988 election. There is no presumption in favor of the President's nominee.

As we consider this nomination, we must also consider the context within which the President made it. As the hearings made clear, no one can credibly maintain that President Bush selected the most qualified person for the Supreme Court. A litmus test was clearly employed in this process, and it was not—as Judge Thomas' supporters claim—invoked by those who oppose his confirmation.

The 1988 Republican Party platform states:

> Deep in our hearts, we do believe: * * * That the unborn child has a fundamental individual right to life which cannot be infringed. We therefore reaffirm our support for a human life amendment to the Constitution, and we endorse legislation to make clear that the 14th amendment's protections apply to unborn children.

The platform goes on to say:

> We applaud President Reagan's fine record of judicial appointments, and we reaffirm our support for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life.

This is the platform upon which President Bush was elected, and he has spent his entire Presidency upholding these provisions. We cannot ignore the President's explicit promise to appoint Justices who are hostile to a woman's fundamental right to choose.

Similarly, we must not ignore the current trend of the Supreme Court. Presidents Bush and Reagan have attempted to transform the Court into an institution that will be less vigorous about defending those whom it was designed to protect—those who must rely on the Court because they lack the political power to protect their fundamental rights in the political process.

Presidents Bush and Reagan have also attempted to create a Court which will reduce the power of Congress and extend the power of the President. By persistently taking a narrow view of congressional statutes, by tilting toward the President and his exercise of executive branch authority, the Supreme Court can dramatically shift the balance of power in Government and seriously diminish the constitutional role of Congress.

The Supreme Court is supposed to be the impartial umpire of our Federal system, resolving disputes fairly between the legislative and executive branches of the Federal Government. If a shift by the Supreme Court turns the judicial branch into an ally of the President against Congress, the Constitution will not work, and the entire Nation will suffer.

We have already begun to feel the effects of such a shift. In several critically important cases, the Court has adopted absurdly narrow interpretations of statutes, or has deferred to executive branch interpretations which defy the clear intent of Congress and disregard the plain legislative history. The President is then able to invoke his veto power, to prevent a majority of Congress from restoring laws nullified by the Court.

The shift we have already begun to see, however, pales in comparison to the shift that will occur if the President convinces the Supreme Court to recognize a line-item veto power. The Republican Party platform explicitly states that the President has this inherent power. Judge Thomas may well agree: In a 1987 speech, he described the line-item veto as within a range of concerns which "is coequal with the range of economic rights itself." According to Judge Thomas, these rights "are

protected as much as any other rights" and "are so basic that the Founders did not even think it necessary to include them in the Constitution's text."

Presidents Reagan and Bush have clearly attempted to pack the Supreme Court with Justices who share a single one-dimensional view of the Constitution. The Senate has a constitutional right—and a constitutional duty to the country—to defend both individual rights and congressional power against this onslaught. We must reject any nominee who fails to demonstrate a basic commitment to fundamental rights. Judge Thomas is not a nominee to an executive branch post.

He is not a nominee to a lower court. If we make a mistake on this nomination, we cannot reverse it at the next election, or even in the next generation.

The Senate's role in confirming Supreme Court nominees is one of the most important checks in our system of checks and balances.

It is the only check we have to prevent a President's attempts to stack the Court against the basic individual rights that every American enjoys as a citizen of this land. We are abdicating our constitutional responsibility in the confirmation process, if we defer to the President, instead of making an independent evaluation of a nominee to the Nation's highest court.

Judge Thomas' record raises too many deeply troubling issues of great importance to permit his confirmation.

It is for this reason—the breadth and depth of the concerns which his record raises, and his failure during the hearings to satisfy those concerns—that so many members of the Judiciary Committee voted against his confirmation.

We cannot be confident that he will uphold a woman's fundamental right to choose whether to have an abortion. Indeed, when we study Judge Thomas' record, it is impossible not to draw the opposite conclusion—that he stands ready to overrule Roe versus Wade at the first opportunity, and that he will give the Government the power to substitute its will for one of the most private and important decisions any woman can make.

During his testimony before the Judiciary Committee, Judge Thomas attempted to shed a career of extremist views and cloak himself with more moderate positions than his record supports.

This is a nominee who has given literally dozens of speeches around the country on constitutional issues. Yet, it was not until the hearings that he acknowledged for the first time the existence of a right to privacy under the Constitution. Even at the hearings, he refused to answer questions about specific applications of that right.

In particular, Judge Thomas consistently refused to discuss whether the right to privacy protects a woman's right to decide whether to have an abortion. He said the issue was likely to come before the Court, as it obviously will. But he discussed the death penalty. He discussed habeas corpus reform. He discussed victim impact statements in criminal sentencing—all controversial issues likely to come before the Court.

He analyzed the Supreme Court's current test on church-state questions, even though a case seeking to overturn that test is already scheduled for argument before the Supreme Court this fall.

Most strikingly, he discussed a 1990 Supreme Court ruling on preferences for minorities in communications law, despite the fact that a virtually identical case is currently pending before him on the D.C. circuit. He failed in his comments even to mention that pending case.

Because Judge Thomas refused during the hearings to discuss the right to privacy in any meaningful way, we have only his prior record before us in deciding whether to trust this fundamental right to his care. Yet, this record contains many statements hostile to the right to privacy and the right to an abortion, and not a single expression of support.

In a 1987 speech to the Heritage Foundation, Judge Thomas commended as "a splendid example of applying natural law" an extreme antiabortion polemic which argues that a fetus has a constitutionally protected right to life, beginning at the moment of conception, and that abortion is murder. Judge Thomas now says that this endorsement was merely a rhetorical comment, a throw-away line designed to convince his right-wing audience to be more supportive of civil rights.

The concerns raised by Judge Thomas' reference to the Lehrman article are buttressed by other statements is his record. In 1987, he argued that blacks and conservatives agree on the abortion issue. In a 1989 article he wrote that "[t]he expression of unenumerated rights today makes conservatives"—a group which Judge Thomas has clearly joined—"nervous, while at the same time gladdening the hearts of liberals." He added in a footnote that "The current case provoking the most protest from conservatives is Roe versus Wade.* * *"

When questioned about this citation, Judge Thomas did not explain it—he simply said he did not remember making it.

Judge Thomas also claimed to be unfamiliar with a report issued by a White House Working Group on the Family, of which he was a member.

The group's 1986 report sharply criticized the Supreme Court's decision in Roe versus Wade and other abortion and privacy cases, and stated that this "fatally flawed line of court decisions can be corrected, directly or indirectly, through the appointment of new judges and their confirmation by the Senate." Judge Thomas attempted to distance himself from this section of the report by saying he did not read it. But he refused to state that he would have objected to it on its merits had he known of its contents.

Even President Bush, an avowed opponent of the right to choose, balked in 1988 at saying that women who have abortions should be treated as criminals. Yet the Senate is being asked to place this core constitutional right in the hands of a nominee who may well take this extreme position.

Judge Thomas' supporters defend his right to refuse to state any views on the subject, despite his willingness to comment on other issues which are equally likely to come before the Court. They urge us to believe that Judge Thomas—who was in law school when the Supreme Court decided Roe, who has referred to Roe as one of the Court's most important decisions, and who has spent more than a decade as a lawyer in Washington, DC—has never discussed Roe versus Wade with anyone.

They ask too much. They are asking us to suspend belief, and to ignore the only real evidence there is.

The Senate should not give its approval to a nominee who refuses to answer fair questions on issues of bedrock importance to the vast majority of Americans. When we contrast Judge Thomas' willingness to discuss many controversial issues with his reluctance to discuss issues like abortion, it is transparently clear that Judge Thomas was not demonstrating his impartiality, but defending his prospects for confirmation. We should not acquiesce in such conduct when the right at issue is so fundamentally important.

The concerns raised by Judge Thomas' record extend far beyond the right to privacy and abortion.

His record also reveals a number of reasons to question his understanding of and commitment to ending sex discrimination in our society. He has condemned a landmark Supreme Court decision recognizing an employer's right to engage in affirmative action to open its historically segregated work force to women. Indeed, his hostility to this decision was so strong that he expressed his hope that the dissenting opinion would provide guidance for the lower courts and form the basis for a future majority opinion.

In all of his writings, many of which deal with the problem of discrimination and virtually all of which were prepared when he was the chief Federal official responsible for protecting a woman's right to be free from employment discrimination, Judge Thomas mentions discrimination against women infrequently and only in passing.

On a number of occasions, Judge Thomas has actually made or endorsed

stereotyped views of women and work. In 1987, he said that hiring disparities "could be due to cultural differences" between men and women, and that "[i]t could be that blacks and women are generally unprepared to do certain kinds of work by their own choice. It could be * * * that women choose to have babies instead of going to medical school."

In 1988, he commended as "a much needed antidote to cliches about women's earnings and professional status" a discussion of women and work which incorporates the very stereotypes which have historically been used to exclude women from full participation in the workplace.

During the hearings, after having spent almost a decade as the chief enforcement officer for the Federal antidiscrimination laws protecting women, Judge Thomas stressed the reasonableness of these stereotypical comments and his lack of knowledge about the causes of women's second-class status in America's workplaces, rather than stating categorically that discrimination is at the root of many of the problems faced by women.

Judge Thomas did attempt during the hearings to portray himself as a vigilant protector of women's rights. However, his comments did not create a convincing image. Although he appeared to state that he agrees with the Supreme Court's "heightened scrutiny" test for gender discrimination, he subsequently indicated that his statement may mean only that he does not know where he stands or has not reviewed the issue in detail, rather than that he personally agrees with the test.

Judge Thomas' record on civil rights also raises deeply troubling concerns, because it reflects a fundamental ideological disagreement with much of contemporary civil rights policy and jurisprudence.

He has sharply criticized Supreme Court decisions upholding the use of certain evidentiary methods to prove systemic discrimination, both in the voting rights and employment contexts.

During the hearings, he failed to explain his harsh criticism of recent Supreme Court voting rights cases. His comments left the inescapable conclusion that when he condemned these decisions, he had no idea what they held.

In his testimony, he also attempted to soften his repeated rejection of Griggs versus Duke Power, which outlawed practices that disproportionately exclude women and minorities from the workplace. His testimony, however, cannot be reconciled with his earlier statements condemning Griggs and the effort to combat the subtle forms of discrimination which have denied women and minorities equal opportunity in the workplace.

In his speeches and writings, Judge Thomas has argued strenuously against the use of race-conscious remedies for job discrimination, despite the Supreme Court's sanction of such remedies for certain types of discrimination. During the hearings, he repeated his objections to the Supreme Court's decisions upholding affirmative action to overcome past discrimination. We cannot escape the conclusion that Judge Thomas is committed to reversing these decisions, and thereby denying Congress, employers, and the courts the power to overcome the Nation's legacy of racism.

Judge Thomas' condemnation of race-conscious remedies for job discrimination is especially troubling when contrasted with his repeated attempts to distinguish the affirmative action program under which he was admitted to Yale Law School. His distinction ignores the fundamental similarity between education and job training, and ignores the needs of persons who must rely on on-the-job training because they lack formal education.

In the hearings, when pressed about his many extreme statements, Judge Thomas' only real defense was, "That was then and this is now." He claimed, in effect, that the rightwing policy positions he had advocated as an executive branch official were no longer operative, because now he is a judge.

But recent press accounts underscore the probability that Judge Thomas' opposition to all race- and gender-based programs has indeed accompanied him onto the bench. During the hearings, he was asked about the Supreme Court's recent decision in Metro Broadcasting, which upheld an FCC license preference for minority-owned broadcast stations. Although Judge Thomas stated that he had "no reason to disagree with" the state of the law under Metro Broadcasting, press reports now indicate that less than 3 months ago, he did have a reason to disagree—and that Judge Thomas had in fact circulated a draft opinion he had prepared for the Court of Appeals limiting the Metro Broadcasting case and rejecting the license preference for women. If this report is true, it indicates that judge Thomas may have had a more concrete, and apparently hostile, view of Metro Broadcasting which he concealed from the committee.

Judge Thomas' hostility to civil rights issues is underscored by his expressed hostility to civil rights leaders. In five 1985 speeches, he denounced the civil rights community for "wallowing in self-delusion and pulling the public in with it."

In 1987, he stated that there were no areas where he thought that the civil rights establishment was doing good work. He publicly castigated civil rights leaders who "bitch, bitch, bitch, moan and moan and whine."

During the hearings, Judge Thomas again expressed his bitterness toward the civil rights community, which is apparently the result of his belief that the community has excluded him and has not acknowledged his positions on civil rights issues as legitimate.

I might mention here, Mr. President, that during the period of the 1980's, civil rights leaders were extremely active and extremely effective in a number of different policies affecting voting and other civil rights. We had the extension of the Voting Rights Act in the early 1980's and we were able, when that legislation was sponsored by the former Senator from Maryland, Senator McMathias, and ourselves and was basically opposed by William French Smith at that time, after many weeks, months of hearings, debate in the House of Representatives and here, to get even an extension of the Voting Rights Act.

And then we faced in the mid-1980's the decision by the Supreme Court in the Grove City case. We had, I believe, in this body, made the decision that we were not going to use taxpayers' money to support further desegregation in this country. That was true with regards to segregation on the basis of religion or minorities or on gender, and yet the Supreme Court made the decision in Grove City that if there was no evidence of discrimination in the disbursing office of Grove City, even though there might have been discrimination in the athletic programs against women or minorities in terms of other departments, as long as in that limited area which actually received the Federal funds, you could not demonstrate in that very small office of the institution there was any discrimination, the Court was not bound to look beyond it.

It took us years to overturn that, Mr. President. The good work that was done by civil rights leaders during that period of time was enormously important. We found out on the important issue of sanctions on South Africa and overturning a Presidential veto in the last 1980's they were extremely important, and they were extremely important when we were able to accept and adopt with, I might say, President Reagan's support the housing provisions, fair housing provisions to eliminate discrimination in housing.

So there were major battles during this period of time, and many of these leaders were very much in the vanguard of trying to work with the American people and their representatives in the House and the Senate and were extremely effective, I believe. But nonetheless during this period of time the condemnation of many of those leaders in the general way that I have described must not be lost.

In addition to these concerns about Judge Thomas' commitment to specific fundamental rights, his record provides disturbing evidence that he has a view of the separation of powers which would grant excessive power to the ex-

ecutive branch and would limit the role of Congress in our constitutional structure.

His many bitter confrontations with Congress during his tenure at the EEOC have apparently left Judge Thomas extremely hostile to Congress. He has repeatedly condemned this body in very strong terms.

He has referred to Members of Congress as "petty despots," and has stated that Congress has been "an enormous obstacle to the positive enforcement of civil rights laws that protect individual freedom."

He has argued that Congress "has thrust the tough choices on the bureaucracy, which it dominates through its oversight function," and that congressional subcommittees "micro-manage the running of agencies." He also alleged that "[i]n obscure meetings, [Members of Congress] browbeat, threaten, and harass agency heads to follow their lead." In Judge Thomas' view, "there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business."

Judge Thomas has expressed this underlying hostility in concrete ways. He has condemned the Supreme Court's decision in Morrison versus Olson, which upheld 7 to 1 the constitutionality of appointing independent counsels to investigate suspected criminal activity by high-ranking executive branch officials.

Although Judge Thomas now seems to say that he does not believe that the independent prosecutor law is unconstitutional, he never adequately explained his statement condemning the majority opinion, or his strong praise for Justice Scalia's dissent, which argued that any law enforcement by officials independent of the executive branch is unconstitutional. Obviously, in scandals like Watergate, the executive branch cannot be trusted to investigate itself. Yet that is the result that Judge Thomas' views would seem to require under his reading of the Constitution.

Press reports about Judge Thomas' pending decision in Lamprecht versus FCC also raise questions about his views of Congress and his willingness to defer to Congress. During the hearings, Judge Thomas testified that he accepts the Supreme Court's decisions directing courts to give greater deference to congressional enactments than to State or local laws. Yet according to press reports describing his draft decision in Lamprecht, Judge Thomas refused in this case to defer to Congress' decision to give women a preference in the award of broadcasting licenses. If the press accounts are true, Judge Thomas' only opinion in a case raising a significant question of deference to Congress sharply contrasts with his testimony to the committee.

Judge Thomas' views apparently go beyond disagreement with Congress and disrespect for particular judgments made by this body. He has argued in a number of speeches that during the last few decades, Congress has abandoned its proper constitutional role by ceasing to perform its deliberative, law-making function and transforming itself into a quasi-executive body. If one takes his statements at face value, he would be likely as a Supreme Court Justice to strike down congressional enactments which are too specific and to prohibit Congress from engaging in much of its oversight activity. Such a narrow view of Congress, when combined with his expansive view of the President, could dramatically shift the balance of power from the legislative branch to the executive branch.

In addition, Judge Thomas has made many other extreme statements which raise questions about his nomination.

He described one of America's greatest jurists, Justice Oliver Wendell Holmes, in the following harsh terms:

> If anything unites the jurisprudence of the left and the right today, it is the nihilism of Holmes.
>
> As Walter Berns put it in his essay on Holmes, most recently reprinted in William F. Buckley and Charles Kessler's "Keeping the Tablets": "* * * No man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach * * * what a people needs in order to govern itself well." Or, as constitutional scholar Robert Faulkner put it: "What [John] Marshall had raised, Holmes sought to destroy." And what Holmes sought to destroy was the notion that justice, natural rights, and natural law were objective—that they exist at all apart from willfulness, whether of individuals or officials.

He also criticized Justice Thurgood Marshall for noting a few years ago that the Constitution, as originally enacted, accepted slavery and failed to provide equality for black Americans:

> I find exasperating and incomprehensible the assault on the Bicentennial, the Founding, and the Constitution itself by Justice Thurgood Marshall. * * * His indictment of the framers alienates all Americans, not just black Americans, from their high and noble intention.

Perhaps, as Judge Thomas' defenders have suggested, he was simply willing to read anything that his rightwing speechwriters put in front of him.

But that strident take-no-prisoners attack on Thurgood Marshall is hardly the sign of a judicial temperament.

He has condemned much of the Supreme Court's recent work to enforce constitutional rights, alleging that:

> The Supreme Court has used the due process and equal protection clauses in a variety of extremely creative ways. The Court has used them to make itself the national school board, parole board, health commission, and elections commission, among other titles. But these activities overlook (when they do not trivialize) the fundamental purpose of the 13th and 14th amendments. * * *

He commended radical conservative blacks like Jay Parker for "refusing to give in to the cult mentality and childish obedience which hypnotizes black Americans into a mindless, political trance."

And finally, while an administration official, he commended the following extreme descriptions of modern America:

> [W]e are careening with frightening speed toward collectivism and away from free individual sovereignty, toward coercive centralized planning and away from individual choices, toward a statist-dictatorial system and away from a nation in which individual liberty is sacred.
>
> As the noted constitutional historian Forrest McDonald recently said of the size of our government, "Its only saving virtue is its incompetence." Otherwise it would really be dangerous.

These statements do not reflect the sort of careful, considered judgments we rightfully expect from a Supreme Court nominee.

In many speeches, Judge Thomas repeatedly and forcefully advocated the use of natural law in constitutional decisionmaking. But in his testimony he said that he does not—and never did—see a role for the use of natural law in constitutional adjudication. Like all the other rightwing baggage he brought to the hearing, he simply jettisoned a longstanding belief he had vigorously held and frequently argued for.

This nomination is not about whether there should be a black American on the Supreme Court. I join with many of my colleagues in believing very strongly that a black American should fill the seat vacated by Justice Marshall.

President Bush could have chosen among many who are obviously well qualified to hold that high position, and who would certainly have obtained a "well qualified" rating from the American Bar Association.

But the Senate's responsibility is to decide whether this nominee should be confirmed to sit on the Supreme Court.

We should not confirm a person to the Court who has not demonstrated his commitment to fundamental constitutional rights and values merely because we fear that the President will retaliate against the Senate and the country by selecting another nominee who might be even worse. In my view, the Senate would and should reject that nominee too.

Finally, each of us and all of us admire Judge Thomas for his background and his ability to rise above even the harshest imaginable conditions of poverty, adversity, and deprivation.

I have heard people I respect say that it is wrong to blame him for taking the right lane to the top when he found the left lane crowded. An eloquent black writer has suggested that he is a caged bird who will start to sing.

Perhaps, but that is a slender reed for the Senate to grasp in an effort to find a rationale to support his confirmation.

If his background were the issue—he would be confirmed by a vote of 100 to 0.

But his background is not the issue, and it should not be the issue.

I urge each of my colleagues to study the record on Judge Thomas compiled by the Judiciary Committee.

There are compelling reasons why the committee deadlocked over this nomination.

His soothing testimony of 1 short week when his confirmation was at stake is far from sufficient to warrant a lifetime position on the Supreme Court. On his record, Judge Thomas falls far short of demonstrating a commitment to fundamental constitutional values in numerous key respects. I therefore urge my colleagues to reject his nomination. If we confirm him, we deserve the Court we get.

Mr. President, I ask unanimous consent that a compilation of Judge Thomas' statements on a variety of important issues be included in the RECORD, and I urge my colleagues to look closely at Judge Thomas' views, in his own words.

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

JUDGE THOMAS: IN HIS OWN WORDS

ON THE STATE OF THE NATION

"[S]ince I've been here, I've thought a lot about the rights of the individual. If the things that are done to the individual in this city were being done by one person, we'd all think that we were living under a dictatorship. We'd all be thinking in a rebellious way about how we are going to get out from under this dictatorship. The erosion of freedom is incredible." Interview, Reason Magazine, November, 1987.

"[A]s the head of a government agency and as a citizen of this country, I find myself agreeing whole-heartedly with former Treasury Secretary, William E. Simon, when he asserts that: 'The most important thing I can conceive of in the realm of American political life is to make Americans aware . . . that the fundamental guiding principles of American life have, in fact, been reversed; that we are careening with frightening speed toward collectivism and away from free individual sovereignty, toward coercive centralized planning and away from free individual choices, toward a statist-dictatorial system and away from a nation in which individual liberty is sacred.' "—Cato Institute, April 23, 1987.

"[I]t is the principles and ideas of the nation which have become anathema to an influential and growing elite. In criticizing the practice of American institutions, they hope to undermine the public opinion which buttresses public support for the regime itself. They do so for the purpose of changing the form of government, from one which is a limited constitutional government—based on a self-evident truth, to a government dominated by the ever-changing—or progressive—private interests of a political and intellectual elite.—California State University, April 25, 1988.

"The passage of major civil rights legislation coincided with a revolutionary burst in the growth of government. You know the sorry tale as well as I do. As the noted constitutional historian Forrest McDonald recently said of the size of our government, 'It's only saving virtue is its incompetence.' Otherwise it would really be dangerous."—Cato Institute, April 23, 1987.

"I, for one, don't see how the government can be compassionate, only people can be compassionate, and then only with their own money, their own property and their own effort, not that of others."—California State University, April 25, 1988.

ON BLACK AMERICANS

"I have been the guinea pig for many social experiments on minorities. To all who could continue these experiments, I say please 'no more.' Please leave me alone."—Associated Industries of Cleveland, March 13, 1986.

"[A] few dissidents like . . . J.A. Parker have stood steadfast, refusing to give in to the cult mentality and childish obedience which hypnotizes black Americans into a mindless, political trance. I admire them, and only hope I could have a fraction of their courage and strength."—Heritage Foundation, June 18, 1987; Suffolk University, march 30, 1988; and California State University, April 25, 1988.

"Blacks know when they are being set up. . . . I object now to the leftist exploitation of poor black people. The attack on wealth in their name is simply a means to advance the principle that the rights and freedoms of *all* should be cast aside, to advance utopian schemes, which in fact end in despotism."—Pacific Research Institute, August 10, 1987.

The tragedy of the current state is, that those who have long had a legitimate reason for disenchantment—those who have been excluded from the American dream— . . . [i]ncreasingly . . . are being used by demagogues who hope to harness the anger of the so-called underclass for the purpose of utilizing it as a weapon in their political agenda. Not surprisingly, that agenda resembles the crude totalitarianism of contemporary socialist states much more than it does the democratic constitutionalism of our founding fathers."—California State University, April 25, 1988.

"It is preposterous to think . . . that the interests of black Americans are really being served by minimum wage increases, Davis-Bacon laws, and any number of measures that pose as beneficial to low-income Americans but which actually harm them."—California State University, April 25, 1988.

ON THE CIVIL RIGHTS COMMUNITY

"What, dare I ask, is the moral basis for racial policies today. I often hear that it is to make up for a history of deprivation. That's not much of a moral basis: It is merely some form of retribution."—Georgia Southern College, February 24, 1987.

The civil rights community is "wallowing in self-delusion and pulling the public with it."—American Bankers Association, September 11, 1985; EEO Coordinators, July 10, 1985; National Urban League, June 18, 1985; EEO Law Seminar, May 2, 1985; and Cascade Employers Association March 13, 1985.

"[T]he civil rights movement used the machinery of the New Deal and the Great Society to reserve spaces for its adherents. Affirmative action represented a new plateau for interest-group liberalism."—Palm Beach Chamber of Commerce, May 18, 1988.

The civil rights community "is effective and has a tendency to sensationalize. All too often, the players in this arena intentionally distort and misinform. The tendency is to exploit issues rather than solve problems."—Machinery and Allied Products Institute, December 15, 1986; Georgia Bar, December 12, 1986; North Carolina Affirmative Action/EEO Conference, December 8, 1986; and University of Tulsa, November 21, 1986.

"We must not merely be critical of the many blunders and follies that have occurred in the practice and theory of civil rights. We must show how our reliance on American principles produces better results than those of our enemies."—Pacific Research Institute, August 4, 1988.

Reason: Are there any areas where you think today that the civil rights establishment is doing really good work? By that I mean NAACP and . . .

Thomas: No.

Reason: None?

Thomas: I can't think of any.—Interview, Reason Magazine, November 1987.

ON SUPREME COURT JUSTICE THURGOOD MARSHALL

"I find exasperating and incomprehensible the assault on the Bicentennial, the Founding, and the Constitution itself by Justice Thurgood Marshall. . . . His indictment of the framers alienates all Americans, not just black Americans, from their high and noble intention."—Savannah Morning News, September 18, 1987.

ON JUSTICE OLIVER WENDELL HOLMES

"If anything unites the jurisprudence of the left and the right today, it is the nihilism of Holmes. As Walter Berns put it in his essay on Holmes, most recently reprinted in William F. Buckley and Charles Kessler's *Keeping the Tablets:* ". . . No man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach . . . what a people needs in order to govern itself well.' Or, as constitutional scholar Robert Faulkner put it: 'What [John] Marshall had raised, Holmes sought to destroy.' And what Holmes sought to destroy was the notion that justice, natural rights, and natural law was objective—that they exist at all apart from willfulness, whether of individuals or officials."—Pacific Research Institute, August 4, 1988.

ON JUDGE BORK

"I strongly support the nomination of Bob Bork to the Supreme Court. Judge Bork is no extremist of any kind. If anything, he is an extreme moderate, one who believes in the modesty of the Court's powers, with respect to the democratically elected branches of government. I am appalled by the mudslinging *cum* debate over the Bork nomination."—Pacific Research Institute, August 10, 1987.

"I know Bob Bork as such a man of integrity and moderation the founders would have wanted on the Court. . . . Judge Bork . . . if he is an extremist at all, is an extremist on behalf of the modesty of the judiciary."—American Bar Association, August 11, 1987.

"It was a disgrace on the whole nomination process that Judge Bork is not now Justice Bork."—Cato Institute, October 2, 1987.

ON EXTREMISM

"Perhaps the most powerful contemporary statement defending freedom based on our founding principles comes from an address [by Senator Goldwater in 1964] more noted for its controversial but true couplet, 'Extremism in the defense of liberty is no vice, moderation in the pursuit of justice is no virtue.' "—Cato Institute, October 2, 1987.

ON ROE V. WADE AND ABORTION

"The current case provoking the most protest from conservatives is *Roe* v. *Wade*, 410 U.S. 113 (1973), in which the Supreme Court found a woman's decision to end her pregnancy to be part of her unenumerated right to privacy established in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965)."—"The Higher Law Background of the Privileges or Immunities Clause of the Fourteenth Amendment," 12 Harvard Journal of Law & Public Policy (Winter 1989).

"Heritage Foundation Trustee Lewis Lehrman's recent essay in *The American Spectator* on the Declaration of Independence and the meaning of the right to life is a splendid example of applying natural law."—Heritage Foundation, June 18, 1987.

ON DEMOCRATS

"One reason I left the Democratic Party was the language barrier which I developed during law school—I could no longer understand globbledyguck and Berlitz does not offer a course. I also had a very serious problem with logic. . . . I could not follow the reasoning that more criminals on the streets, and fewer criminals in more comfortable jails (or hotels as my grandfather called them) solved the crime problem. . . . [I]f these criminal justice policies are so beneficial to society, I suggest that those who push such policies be willing to accept these criminals in their neighborhoods—if not in their homes. . . . I believe the President put it best: the Democratic party creates a desert—then gives you a glass of water and calls that compassion."—Undated handwritten speech (apparently from 1984).

"I had the highest hopes for the Reagan Administration in breaking the Democratic Party's hold on Black voters. If you'll pardon somewhat partisan remarks, I don't believe a party with a collectivist program for the economy and government should command such overwhelming allegiance from Blacks."—Tocqueville Forum, April 18, 1988.

ON CONGRESS

"To put it simply, there is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business."—Palm Beach Chamber of Commerce, May 18, 1988, and Brandeis University, April 8, 1988.

"In defending the administrative deliberative process, [Senator] Hatch expressed a sentiment shared by many who go before these [congressional] committees, but few would publicly state. 'If I were in the Executive Department,' he commented, 'I would tell us to go to hell, I really would.'"—Palm Beach Chamber of Commerce, May 18, 1988, and Brandeis University, April 8, 1988.

"In conclusion, let me emphasize the importance of upholding our ideals. What else could have kept me defiant in the face of some petty despots in Congress. . . ."—Harvard University Federalist Society, April 7, 1988.

Congress has "been an enormous obstacle to the positive enforcement of civil rights laws that protect individual freedom."—Tocqueville Forum, April 18, 1988.

"In obscure meetings, [members of Congress] browbeat, threaten, and harass agency heads to follow their lead. Thus Congress operates in the shadows, and then produces press releases to show what a fine job it has been doing."—Tocqueville Forum, April 18, 1988.

"I thought Ollie North did a most effective job of exposing congressional irresponsibility. He forced their hand, and revealed the extend to which their public persona is fake."—Tocqueville Forum, April 18, 1988.

"As Ollie North made perfectly clear last summer, it is Congress that is out of control."—University of Virginia Federalist Society, March 5, 1988, and Harvard Federalist Society, April 7, 1988.

"Partly disarmed by his [Oliver North's] attorneys' insistence on avoiding closed sessions, the [Iran-Contra] committee beat an ignominious retreat before Colonel North's direct attack on it, and by extension all of Congress."—Cato Institute, October 2, 1987.

"I reluctantly cite GAO, since, at a later point during my tenure I referred to it as the 'lapdog of Congress.'"—Creighton Law School, February 14, 1991.

"Not that there is a great deal of principle in Congress itself. What can one expect of a Congress that would pass the ethnic set-aside law [10% set-aside in federal construction grants for minority-owned businesses] the Court upheld in *Fullilove* v. *Klutznick?*"—"Civil Rights As A Principle Versus Civil Rights As An Interest," in *Assessing the Reagan Years* (D. Boaz, ed. 1988).

ON THE LINE-ITEM VETO

"I commend you to read the full text of President Reagan's economic bill of rights speech. . . . His proposals include protection of intellectual property, education reform, welfare reform, privatization initiatives, and a line-item veto."—American Bar Association, August 11, 1987.

ON THE CONSTITUTIONALITY OF THE INDEPENDENT PROSECUTOR

"Unfortunately, conservative heroes such as the Chief Justice failed not only conservatives but all Americans in the most important Court case since *Brown* v. *Board of Education*. I refer of course to the independent counsel case, *Morrison* v. *Olson*. . . . Justice Antonin Scalia's remarkable dissent in the Supreme Court case [holding the statute unconstitutional] points the way toward [conservative] principles and ideas."—Pacific Research Institute, August 4, 1988.

ON THE SUPREME COURT AND THE RULE OF LAW

"The Supreme Court has used the due process and equal protection clauses in a variety of extremely creative ways. The Court has used them to make itself the national school board, parole board, health commission, and elections commission, among other titles. But these activities overlook (when they do not trivialize) the fundamental purpose of the 13th and 14th Amendments. . . ."—Tocqueville Forum, April 18, 1988.

"Now from this experience [Thomas's experience growing up in the segregated South] you would correctly infer that I am deeply suspicious of laws and decrees."—Cato Institute, April 23, 1987.

ON THE NINTH AMENDMENT

"In a nutshell, this is the problem with the Ninth Amendment. Maximization of rights is perfectly compatible with total government and regulation. Unbounded by notions of obligation and justice, the desire to protect rights simply plays into the hands of those who advocate a total state. . . . Far from being a protection, the Ninth Amendment becomes an additional weapon for the enemies of freedom."—"Civil Rights As A Principle Versus Civil Rights As An Interest," in *Assessing the Reagan Years* (D. Boaz, ed. 1988).

ON DISCRIMINATION AND INDIVIDUAL RIGHTS

From an interview with Judge Thomas: "It could be, Thomas says, that blacks and women are generally unprepared to do certain work by their own choice. It could be that blacks choose not to study chemical engineering and that women choose to have babies instead of going to medical school."—Atlantic Monthly, February, 1987.

"[B]y analyzing all the statistics and examining the role of marriage on wage-earning for both men and women, Sowell presents a much-needed antidote to cliches about women's earnings and professional status. In any event, women cannot be understood as though they were a *racial* minority group, or any kind of minority at all."—"Thomas Sowell and the Heritage of Lincoln: Ethnicity and Individual Freedom," and Lincoln Review, vol. 8, no. 2 (Winter 1988).

"How can a principled person find preferences for a dominant minority repugnant and yet support them for groups of which he or she is a minority? . . . Personally, I would protect the rights of the biggest bigot to preserve individual freedoms—the safe harbor of liberty."—American Bankers Association, September 11, 1985, Tulsa EEO Coordinators, July 10, 1985, National Urban League, June 18, 1985; and EEO Law Seminar, May 2, 1985.

"Today we are far from the legal inequities my grandfather suffered. Indeed, our current explosion of rights—welfare rights, animal rights, children's rights, and so on, goes to the point of trivializing them."—Washington Times, January 1988.

ON BUSINESS RIGHTS

"I believe that the government's role is to assure a climate in which businesses can flourish and then stand back and stay out of the way."—Palm Beach Chamber of Commerce, May 18, 1988.

"[E]conomic rights are protected as much as any other rights."—American Bar Association, August 11, 1987.

"We have today ignored economic liberties as a vital part of the rights protected by constitutional government."—"Civil Rights As A Principle Versus Civil Rights As An Interest," in *Assessing the Reagan Years* (D. Boaz, ed. 1988).

Economic rights "are so basic that the founders did not even think it necessary to include them in the Constitution's text. . . ."—American Bar Association, August 11, 1987.

"Why do you need a Department of Labor, why do you need a Department of Agriculture, why do you need a Department of Commerce? You can go down the whole list—you don't need any of them really."—Interview, Reason Magazine, November 1987.

"When [the] EEOC or any other [government] organization starts *dictating* to people, I think they go far beyond anything that should be tolerated in this society."—Interview, Reason Magazine, November 1987.

ON ENTITLEMENT PROGRAMS

"As [Friedrich] Hayek has noted, the attack on freedom and rights had to be accompanied by their redefinition. In the socialist view, 'the new freedom was thus only another name for the old demand for an equal distribution of wealth.' The new freedom meant freedom from necessity. And it was a short road from rights to what we call today 'entitlements.'"—Pacific Research Institute, August 10, 1987.

"Winston Churchill noted [the] problem with socialism when he described capitalism as offering only unequal blessings, while socialism offered equal misery. Because we Americans have often failed to seize the opportunity of freedom, as restricted as that may have been, some thinkers and politicians want to call the promise of equal rights 'entitlements.'"—Washington Times, January 18, 1988.

ON NATURAL LAW

"The best defense of limited government, of the separation of powers, and of the judicial restraint that flow from the commitment to limited government, is the higher law political philosophy of the Founding Fathers. . . . [N]atural rights and higher law arguments are the best defense of liberty and of limited government. . . . Rather than being a justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok majorities and run-amok judges."—"The

Higher Law Background of Privileges or Immunities Clause of the Fourteenth Amendment," 12 Harvard Journal of Law & Public Policy (Winter 1989) Federalist Society, University of Virginia, March 5, 1988.

"The higher-law background of the American Constitution, whether explicitly invoked or not, provides the only firm basis for a just, wise, and *constitutional* decision."—"The Higher Law Background"; Federalist Society, University of Virginia, March 5, 1988; and Federalist Society, Harvard University, April 7, 1988.

"[W]ithout recourse to higher law, we abandon our best defense of judical review—a judiciary active in defending the Constitution, but judicious in its restraint and moderation."—"The Higher Law Background", and Federalist Society, University of Virginia, March 5, 1988.

"To believe that natural rights thinking allows for arbitrary decisionmaking would be to misunderstand constitutional jurisprudence based on higher law."—"The Higher Law Background."

"The Constitution must always be understood in light of the ends set forth in the Declaration."—Federalist Society, University of Virginia, March 5, 1988.

"[Justice] Harlan's [dissenting] opinion [in *Plessy* v. *Ferguson*] provides one of our best examples of natural right or higher law jurisprudence."—Federalist Society, Harvard University, April 7, 1988, and Federalist Society, University of Virginia, March 5, 1988.

"Justice Harlan's reliance on political principles [in his dissenting opinion in *Plessy* v. *Ferguson*] was implicit rather than explicit, as is generally appropriate for Supreme Court opinions. He gives us a foundation for interpreting not cases involving race, but the entire Constitution and its scheme of protecting rights."—"The Higher Law Background", Federalist Society, University of Virginia, March 5, 1988; and Federalist Society, Harvard University, April 7, 1988.

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

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, shortly after the President proposed Judge Clarence Thomas to the Supreme Court, I began receiving letters from across the country about the nomination. I told those who contacted me that I intended to examine carefully the views of Judge Thomas before making a decision.

I said I would use the same criteria to evaluate Judge Thomas as I did in examining the qualification of Justice David Souter last year. I was then, as I am now, most concerned about preserving individual civil liberties.

Throughout Judge Thomas' appearances before the Senate Judiciary Committee, I found him to be an engaging and informed individual with a robust sense of humor. I was also impressed by the resolute and steadfast support of his family, presently and in earlier years. After 5 days of testimony, Judge Thomas proved he was articulate, composed, and exceedingly good-natured.

He competently fielded most legal queries and was certainly forthcoming with information about his formative years. However, his quiet but adamant refusal to answer many other fundamental constitutional questions was thoroughly disturbing. Attempts by Judiciary Committee members to elicit answers were rebuffed by the simple response: To give an opinion would compromise his objectivity as a judge.

Yet, he had no compunction about compromising his objectivity when he willingly offered views on other volatile issues such as capital punishment and the use of victims' impact statements. Judge Thomas' retreat from past speeches and writings also causes me great concern. If Judge Thomas and the White House felt that refuting previous public expressions of his convictions would guarantee confirmation to the Supreme Court, I believe they were wrong.

Let us make no mistake about it, President Bush nominated Clarence Thomas because of his strong conservative views on a number of vital issues.

During the confirmation hearing of Judge Souter last year, I said his silence on the issue of reproductive choice placed a cloud of uncertainty over well-settled legal precedents governing the rights of individuals to make fundamental choices involving themselves and their families.

Regrettably, Judge Thomas' refusal to discuss his views on reproductive choice continues this pattern.

Unfortunately, we now have a Supreme Court nominee who is unwilling to shed any light on views that are already a matter of record. Over the past decade, Clarence Thomas has openly stated his opposition to Roe versus Wade through writings and speeches, including a White House report on the family. Therefore, I was dismayed and frustrated over his hesitance in admitting to having an opinion on the issue, not to mention skeptical of his contention that he had never discussed the subject at all. Although his statements are public record, Judge Thomas took great pains to distance himself from these highly visible positions.

I remain unconvinced that Judge Thomas would adequately protect older workers against age discrimination. As head of the EEOC, he willfully delayed rulings on age discrimination cases. He also admitted that he violated a court order concerning the handling of civil rights cases while head of the Office for Civil Rights at the Department of Education.

I am also deeply troubled that Judge Thomas declined to answer repeated inquiries concerning an unmarried individual's right to privacy. As I said last year when I opposed Judge Souter's nomination, a retreat in this area could deny millions of men and women basic constitutional guarantees that previous Supreme Courts have affirmed. Apparently, Judge Thomas continued to be evasive even when given the opportunity to respond to these questions in writing.

Since the nomination of Judge Thomas, our colleagues on the other side of the aisle have asked that we consider Judge Thomas within the same parameters as other recent Supreme Court nominees. They claim it would be unfair to subject Judge Thomas to a higher standard than Robert Bork, David Kennedy, and David Souter.

Unlike Justice Souter, whose record on matters relating to the Constitution was unusually sparse, Judge Thomas has an extensive record of speeches, writings, and rulings as Executive Director of the Office of Economic Opportunity, head of the Civil Rights Office in the Department of Education, and as a private citizen. It is on this record and his Senate testimony that I base my decision.

And, unlike Justice Souter, who refused to answer questions about fundamental constitutional rights, Judge Thomas has a lengthy paper trail reflecting a disregard for some of these basic rights. One can only assume that the beliefs he espoused as an administrator would shape his judicial philosophy.

In reaching my decision on this nomination, I compared Judge Thomas' statements before the Judiciary Committee with his statements and writings over the past years. As I made this comparison, it became clear to me that this nominee, while in Government service, viewed the Constitution in a manner different than he would as a member of the High Court.

Since the words of the Constitution have not changed, I must conclude that Clarence Thomas' views have undergone a transformation since his nomination to the Supreme Court. Regrettably, I must vote against this nomination.

I yield the floor.

Mr. HATCH. Mr. President, I have been listening to some of the remarks that have been made here today, and I have watched some of the comments on television that others have made. I am particularly troubled by some of the distortions of Judge Thomas' record and of some of the statements that he made while he was before the committee.

In particular, I know of at least two Senators on the committee who felt—or at least indicated—that they personally did not believe Judge Thomas was speaking the truth with regard to abortion and his position on abortion. I have seen a number of Senators use this argument that Judge Thomas said he never discussed the issue of abortion when he appeared before the committee. Not only is that false; it is wrong for them to say that.

I want to take a minute or two here today and go through the transcript of the record. I might add that I raised

Cain in the committee because Judge Thomas did answer the issue of abortion. He said:

I have no reason or agenda to prejudge the issue, or * * * to rule one way or the other on the issue of abortion. * * * I think that it is most important for me to remain open. I have no agenda. I am open about that important cases.

He was referring to Roe versus Wade. I do not think you can have a better answer than that. He does not know which way he would rule. I have known him for nearly 11 years, and I do not know where he stands on it. I am perfectly willing to accept his statement there. That is a definitive statement.

Judge Souter, now Justice Souter, was asked 36 times about abortion; that was excessive. When I raised a fuss about it during Judge Thomas' testimony in front of the committee, up to that point, Judge Thomas had been queried about abortion 67 times. And by the end of the hearings, it was up to around 100 times, which is triple the number of times Justice Souter was asked. And every time, he basically said:

I have no agenda; I do not know where I stand on that issue. I really do not think that it would be appropriate for me to answer in advance of hearing the matter when it is before the Court.

When I am on the Court, I do not want to prejudice my right to decide these issues by telling you how I will decide them in advance, and especially since I do not know how I would decide.

Time after time, he explained that to the committee.

How about this point that he never discussed abortion with anybody? I have heard that mentioned by the distinguished Senator from Massachusetts more than once, here today, and in other areas.

The distinguished Senator from Vermont, Senator LEAHY, has also raised this issue. Let us look at the record. Here is Senator LEAHY speaking:

Judge, you were in law school at the time Roe versus Wade was decided. That was 17 or 18 years ago. I would assume well, let me back up this way. You would accept, would you not, that in the last generation, Roe versus Wade is certainly one of the more important cases to be decided by the U.S. Supreme Court?

Judge Thomas:

I accept that it has certainly been one of the more important, as well as one that has been one of the most publicized cases.

Mr. LEAHY:

So, I would assume that it would be safe to assume when that came down, you were in law school, recent cases law is often discussed. Roe versus Wade would have been discussed in the law school while you were there?

Judge Thomas:

The case that I remember being discussed most during my early part of law school was, I believe, in my small group with Thomas Emerson may have been Griswold, since he argued that, and we may have touched on Roe versus Wade at some point and debated that. But let me add one point to that. Because I was a married student and I worked, I did not spend a lot of time around the law school doing what the other students enjoyed so much, debating the current cases and slip opinions. My schedule was such I went to classes and generally went to work and went home.

I will skip over some of this.

Senator LEAHY says:

Have you ever had discussion of Roe versus Wade, other than in this room, in the 17 or 18 years it has been there?

Judge Thomas:

Only, I guess, Senator, in fact in the most general sense that other individuals expressed concerns one way or the other, and you listen and you try to be thoughtful.

Look what he says up to that point, "Yes, I guess I have." He did not quite say it that way, but he said he discussed it only in that other individuals expressed concerns one way or another; you listen and try to be thoughtful. Then he added this. It was a very thoughtful remark. He said: "If you are asking me whether or not I have ever debated the contents, the answer to that is no, Senator."

He was very careful to make it clear that he might have discussed it, but he did not remember it. As to whether he ever debated it—he chose the word "debate" specifically because he wanted to make it clear that he had not debated it. He might have discussed it, but he had not debated it. Basically, the implication by some of the people criticizing him is he must have lied. That is pretty clear, it seems to me.

Let me go further. Senator LEAHY said:

Let me ask you this: Have you made any decision in your own mind whether you feel *Roe* v. *Wade* was properly decided or not without deciding what that decision is?

Judge Thomas:

I have not made, Senator, a decision one way or the other with respect to that important decision.

I mean, how many times do you have to say it?

Senator LEAHY came back again:

So you cannot recollect ever taking a position whether it was properly decided or not properly decided, and you do not have one here that you would share with us today?

Judge Thomas:

I do not have a position to share with you here today on whether or not that case was properly decided. And, Senator, I think that it is inappropriate to just simply state that it is—for a judge, that it is late in the day as a judge to begin to decide whether cases are rightly or wrongly decided when one is on the bench. I truly believe that doing that undermines my ability to rule on these cases.

It then goes on and Senator LEAHY asked another question.

Judge Thomas responded:

Senator, your question to me was did I debate the contents of *Roe* v. *Wade*. Do I have this day an opinion, a personal opinion or comment on the outcome in *Roe* v. *Wade;* and my answer to you is that I do not.

That is just as clear as a bell. Yet we went through a hundred questions by various Senators, did you or did you not discuss Roe versus Wade, and he indicated that he had and then he said to make it very clear, "I did not debate Roe v. Wade. I was too busy working my way through law school."

I understand that. I understand that because my wife and I lived in a two-room chicken coop with three kids as I went to law school. We lived on $150 a month, and I worked all night long so I could go all day to law school and sleep 4, 5, or at the most 6 hours in any one day. I did not have any time to debate people very much either while my other fellow law review students were studying 80 hours a week. The most I could give to it was 20 hours a week under most circumstances.

I suspect that is what Judge Clarence Thomas went through. He was a young black man with no money, really very little, very little opportunity in his life except that which he made for himself.

How many more times do we have to have this man and have the implication that he is a liar? That is how far some people have gone on this particular issue.

I have to say, Mr. President, there is a myth being constantly repeated in the media and even on the floor of this body that simply has not been corrected. And this myth has it that Judge Thomas somewhere stated that he never discussed the case of Roe versus Wade with anyone. Some who are perpetuating this false myth embellish on it, juice it up, where they claim that Judge Thomas somewhere stated he never discussed the Roe case with a single human living being in the 18 years since it was decided. Those claims, as I have just shown, are totally inaccurate. They are easily defeated by the careful reading of the actual transcript of the Thomas hearing. I was there and I remember those questions, I remember Senator LEAHY doing that. I recall what Judge Thomas said on this subject. I just read it to you. It is not what his opponents are claiming. For those of my colleagues who did not attend the hearings, I have the relevant portions of the transcripts that I have just read, and they are only a few pages, and they show that Judge Thomas never stated that he had not discussed Roe with anyone.

At the hearings—let me go through it again—Senator LEAHY asked Judge Thomas if the Roe case "was discussed in the law school while you were there."

Judge Thomas, trying to remember back nearly 20 years, recalled specifically the Griswold case was discussed most in his study group. He also stated: "We may have touched on Roe v. Wade on some point and debated that." Far from denying any discussion of Roe, Judge Thomas admitted he may have discussed it in a study group, but simply could not remember for sure after nearly 20 years.

How many of us even remember the courses we took in law school or college, let alone the specific cases and issues that were discussed? And I specifically point out that Roe versus Wade is hardly the only significant case in the last 20 years. Indeed Judge Thomas' professional career, as I understand it, never gave rise to that case being central in his work. In the last 10 years of his career, civil rights preferences loomed larger than any other issues for Judge Thomas. Still Senator LEAHY pressed Judge Thomas on this issue. He said: "Have you ever had discussion of Roe versus Wade other than in this room in the 17 or 18 years it has been here?"

Again, contrary to what many have been alleging in the press and here on the floor, during the committee hearings, Judge Thomas did not answer that he had never discussed Roe; he said just the opposite. He admitted that he had discussed the case "in the most general sense, that other sides have expressed concerns one way or another, and you listen and you try to be thoughtful". He only denied that he had debated, and he carefully chose that word, and it has been carefully overlooked, in my opinion, by some who have been criticizing him in their zeal in trying to defeat this young African-American, one of two ever nominated to the Supreme Court of the United States of America. So he only denied he had debated the contents of Roe versus Wade.

Clarence Thomas is a man who appeared in numerous public forums, including numerous formal debates. In denying he publicly debated Roe, he clearly stated only that he had not engaged in a formal debate on the subject. That does not imply that Clarence Thomas never discussed the subject in other settings.

But let me just tell you why he did not say, "Yes, Senator, I have discussed it with a lot of people." The minute he did, the Senators on the committee who are against him anyway because they feel that he must be against Roe versus Wade or Bush would not have appointed him, they would have said: With whom did you discuss it? Then they would have said: And what did you discuss and what were your contributions? After all of which he would have to go back and say, "Look, I have not formulated my opinion on this issue. I have no agenda. And even if I had, it would be wrong for me to tell you in advance of my tenure on the Court what I would do in any given case in the future."

Moreover, if he answered otherwise, said, "Well, I am for Roe versus Wade or against Roe versus Wade," he would have irritated one or the other side of the Judiciary Committee. He answered it in the only honest way he could. The fact is I do not think there was any confusion about the distinction that Judge Thomas was drawing at the hearing, and yet I have seen this misused and distorted on television and in open debate here today on the floor.

If there was any confusion, the Senators who wish to draw inferences from his testimony opposed to what he actually testified should have had Judge Thomas clarify the point. After all, we had him before us for nearly a week.

I notice the distinguished Senator from Rhode Island is here. Let me just finish making this point and then I will resume my comment and I will yield the floor so that his valuable time can be saved, and then I will come back to my remaining comments afterwards.

Judge Thomas, at a minimum, deserves to be considered on the basis of what he said, not on the basis of inaccurate comments by my colleagues or inaccurate press reports of that testimony or distortions of what he said, and that is what they are. These inaccurate reports are obviously fueled by increasingly desperate special-interest group trying to find out a way to deny him a seat on the High Court. What is the point of the Senate Judiciary Committee even having hearings on a judicial nominee if Senators are going to base their vote to confirm not on what was said at the hearing but on a fictional rendition of what was said, a rendition at variance with the actual testimony? I think we have got to be a little more fair to this young man, who I think answered as cogently and as best he could before the committee. If you look at this record, it is as clear as a bell, and to have these distortions by anybody, including Members of this august body, I think is just plain wrong.

I think it has to be rebutted now. And that is what I have been trying to do.

Let me just make one other point and then I will yield the floor temporarily to Senator PELL. I would like to get it back afterwards.

Charges were made and rebutted, but repeated again and again—we heard it said again just a few minutes ago—that Judge Thomas criticized civil rights leaders. In July, I quoted lengthy statements that he made in speeches praising the civil rights movement and civil rights leaders including Thurgood Marshall, Justice Marshall. I ask unanimous consent that those remarks be printed in the RECORD again at this point.

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

PRAISE FOR CIVIL RIGHTS GROUPS

In an October 23, 1982 speech before the Maryland Conference of the NAACP, as the then newly installed chairman of the EEOC, here is part of what Judge Thomas said:

"I would like to talk with you about why I believe that you are the group that can truly make a difference for blacks in this country; what I think the challenges will be in the future; and what we are doing at the federal level to address the problems of discrimination. * * * The pervasive problem of racial discrimination and prejudice has defied short term solution. The struggle against discrimination is more a marathon than short sprint. Political parties have come and gone, leaving behind them the failures of their quick fixes. Promises have been made and broken. But one group, the NAACP, has remained steadfast in the fight against this awful social cancer called racial discrimination.

"The NAACP has a history of which we can all be proud. From its inception in 1909 until today, the work this organization has done in the area of civil rights is unmatched by any other such group. At each turn in the development of blacks in this country, the NAACP has been there to meet the many challenges. * * *"

The Judge has often acknowledged the significant role of the civil rights movement and how he, personally, has benefitted from it.

In volume 21 of Integrated Education, in 1983, the Judge wrote, "Many of us have walked through doors opened by the civil rights leaders, now you must see that others do the same." In a January 18, 1983, speech at the Wharton School of Business in Philadelphia, Judge Thomas said, "As a child growing up in the rural South during the 1950s, I felt the pain of racial discrimination. I will never forget that pain. Coming of age in the 1960s, I also experienced the progress brought about as a result of the civil rights movement. Without that movement, and the laws it inspired, I am certain that I would not be here tonight."

In an October 21, 1982, speech at the Third Annual Metropolitan Washington Board of Trade, EEO Conference, Judge Thomas described himself as "a beneficiary of the civil rights movement."

In an April 7, 1984, speech at the Yale Law School Black Law Students Association Conference, Judge Thomas noted that the freedom movement of black Americans was not a sudden development, but "had been like a flame smoldering in the brush, igniting here, catching there, burning for a long, long time before someone had finally shouted "Fire!"

He asked, in effect, who was responsible for this. The Judge then went through a litany of people and events that helped fan the flames of black freedom. He asked, in part, whether it was "the founders of the NAACP * * * or the surge of pride which black folks felt as they huddled around their ghetto radios to hear Joe Louis preaching equality with his fists, or hear Jesse Owens humbling Hitler with his feet?

"Was it A. Philip Randolph, mobilizing 100,000 blacks ready to march on Washington in 1941—and FDR hurriedly signing Executive Order 8802 banning discrimination in war industries and apprenticeship programs?

"Or the 99th Pursuit Squadron, trained in segregated units at Tuskegee, flying like demons in the death struggle high over Italy?

"Was it Rosa Parks who said 'No' she wouldn't move; and Daisy Banks who said 'Yes,' black children would go to Central High School?

"Or the three men who had been the black man's embodiment of *blitzkrieg*—the most phenomenal legal brains ever combined in one century for the onslaught against injustice—Charles Houston, William Hastie, Thurgood Marshall?

"Or a group of students who said, 'We've had enough. I mean, what's so sacred about a sandwich, Jack?

"Or men named Warren, Frankfurter, Black, Douglas who read the Bill of Rights and believed?"

I realize it may seem more newsworthy to report the Judge's remarks only when they have been critical of the traditional civil rights leadership. I realize some of his critics, who object to his expressed views against reverse discrimination and preference, wish to make him look ungrateful. But it is a false portrait—a caricature—being drawn.

Mr. HATCH. Moreover, some civil rights leaders began severely criticizing Judge Thomas. Now, when they started to do that, no one surely can be expected to engage in unilateral verbal disarmament, so the judge responded to some of these critics.

Yet his current opponents pluck only those critical comments out of context to make this charge. They try to paint a false picture of the judge and I think that is absolutely wrong. He has always expressed his gratitude to the civil rights movement and to many of its leaders. And I think when they start criticizing him, he is entitled to defend himself, and that is what he did.

Let us not just lift the defense of himself against some scurrilous comments and some inaccurate comments made about him. Let us look at the whole set of statements of this fine young man.

Mr. President, I ask unanimous consent that I be permitted to yield to the distinguished Senator from Rhode Island, with the floor to return to me as soon as he has concluded with his remarks.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the distinguished Senator from Utah?

Without objection, the Senator from Utah yields the floor to the distinguished senior Senator from Rhode Island, and at the conclusion of the remarks of the distinguished senior Senator from Rhode Island, the Chair will again recognize the distinguished Senator from Utah.

The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair and I thank my friend and colleague, the Senator from Utah.

Mr. President, I address the Senate today regarding the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

At the outset, I admire and respect the rise of Clarence Thomas from a miserable life of poverty in the rural South to the achievements and honors of his still young life. His is a story which embodies the best of what is America. Yet, as compelling as is the story of Judge Thomas' life, it cannot be the sole determinant of whether or not he is qualified to sit on the U.S. Supreme Court. Of paramount importance are his qualifications as a judge. It is in this regard that this nomination causes me real concern.

One of the most striking aspects of the debate over the Thomas nomination has been the general acceptance of the notion amongst both supporters and detractors that this nominee does not possess any recognizable record of distinction within the various circles of the legal world, be it as a judge, a lawyer, or a legal scholar. Perhaps Erwin N. Griswold, a Republican, former Harvard Law School dean, and Solicitor General summed it up best when he said: "This was a time when President Bush should have come up with a first-class lawyer, of wide reputation and broad experience, whether white, black, male, or female. And it seems to me obvious he did not." Acknowledging the lack of Judge Thomas' judicial distinction, I too am deeply disturbed when considering his lifetime appointment to the Supreme Court of the United States.

I am additionally troubled by the record Judge Thomas has built regarding his philosophic outlook, a philosophy which he will inevitably carry with him to the Supreme Court. When questioned about this record during his confirmation hearings before the Judiciary Committee, Judge Thomas argued that the views that he took as a member of the executive branch should be discounted because he was acting as an advocate for that branch. While I believe that fairness allows for a tempering of those positions, I feel that permitting a complete disavowal of those views and statements is unrealistic on my part and, at the very least, disingenuous on Judge Thomas' part.

When one looks at that record, it is clear that Judge Thomas was espousing a political philosophy that rests somewhere near the far right wing of the American political spectrum. He has attacked the notion of the existence of the right of privacy in the Constitution and has praised a long-discarded jurisprudential theory of so-called natural law. He has also questioned the remedies, albeit imperfect ones, that have been developed to deal with the discrimination that has plagued our country since it was founded, and he has showed disdain for the balancing of powers between the various branches of our system of Government. Given this record, I believe that the desire to appoint Judge Thomas to what is universally seen as an already conservative Supreme Court smacks of court stacking—the pursuit of a political agenda by an administration.

Accordingly, I believe that I must oppose the Thomas nomination to the Supreme Court. I do not do so lightly and indeed, regret that I have come to this decision. I have voted to confirm each of the other eight sitting Justices on the Court and, in general, feel that Presidential prerogative speaks strongly in favor of a candidate subject to his appointment.

I also regret opposing an African-American for I believe that diversity on the Court is important and with the departure of Thurgood Marshall, the Court loses an important perspective as it debates and reaches its decisions. However, in this light I also believe that such a candidate still must be eminently qualified for the position. It seems apparent to me that this nominee lacks that qualification and that were he not an African-American conservative, he would not have been chosen.

Perhaps with a few more years on the Federal bench, Judge Thomas would dispel the doubts that I have about his qualifications, but we do not have that luxury. As a U.S. Senator, I have been asked to confirm a nominee who on the one hand has an extraordinary story of achievement to tell with regard to his personal life but who on the other hand is noticeably lacking in distinction as a judge and one who has espoused a curious and often extremist political philosophy. I must vote on this nominee as he now stands before the Senate, and in this regard feel that I must oppose his nomination.

The PRESIDING OFFICER. The distinguished senior Senator from Rhode Island yields the floor.

Under the unanimous-consent agreement, the Chair recognizes once again the distinguished Senator from Utah.

Mr. HATCH. I thank the Chair.

Mr. President, when President Bush announced that he was nominating Judge Clarence Thomas to the Supreme Court, I said that it was a great day for America. I have known Judge Thomas for over 10 years, and I knew at the time of his nomination that he is eminently qualified to be a Supreme Court Justice. Personally, I do not think President Bush could have sent a finer nominee to us.

The American people are now familiar with Judge Thomas's rise from poverty to the doorstep of the Supreme Court, overcoming the barrier of racial discrimination along the way. In that rise, Judge Thomas obtained an excellent education, and first served as an assistant attorney general of the State of Missouri, under our distinguished colleague, JOHN DANFORTH. Judge Thomas then worked in the private sector as a lawyer in the Monsanto Corp.'s legal department. So he has private sector experience. After that, he worked in all three branches of the Federal Government. In so serving, he won Senate confirmation four times in less than 9 years, perhaps more than any other person during the same period.

Judge Thomas warrants confirmation because his nomination is meritorious today and because he has an outstanding and courageous record of public service, not for the patronizing reason that he might "grow in the position." All persons learn from their experience. But I take it to mean that those who have voiced this thought hope that, once on the Supreme Court, he will vote in a more liberal way than

they now think he might. No one knows how Judge Thomas will vote once on the Court, but I certainly do not support him out of any wishful thinking.

I share President Bush's view that a Justice of the Supreme Court should interpret the law according to its original meaning and not legislate his or her own policy preferences from the Bench. Based on a careful review of his writings and judicial opinions, and my knowledge of the man, I am confident Judge Thomas will interpret the law according to its original meaning, rather than substitute his own policy preferences for the law.

He will not act as a legislator from the Bench.

I am also confident that Judge Thomas will zealously safeguard the principle of equal justice under law for all Americans—not just white Americans, not just black Americans or Hispanic Americans or Asian-Americans, or Native Americans, but for all Americans, without unfair preference.

Mr. President, Judge Thomas has been most identified, by his writings and speeches, with positions on civil rights and affirmative action while a policymaker. Therefore, I think it appropriate at this point to digress for a moment to discuss what I believe are crucial distinctions in the often-clouded subject of affirmative action. Affirmative action can mean different things. It can mean reviewing one's employment practices to eliminate discriminatory practices. It can mean increasing an employer's outreach and recruitment activities aimed at increasing the number of minorities and women in the applicant pool, from which all applicants will then be considered fairly, without regard to race or gender. There are similar activities aimed at widening the pool of applicants. This form of affirmative action has widespread support. Judge Thomas has written and spoken in favor of it. I believe discrimination against anyone should be ended, and remedied. And there is still discrimination against minorities and women and we must root it out. And I favor the kind of affirmative action I just described. I am not aware of a single Member of the Senate who opposes that form of affirmative action.

But there is another form of affirmative action that is highly controversial, deeply divisive, and wrong. By whatever euphemism or label used to describe or to mask it, this form of affirmative action calls for preferences on the basis of race, ethnicity, and gender. Lesser qualified persons are preferred over better qualified persons in jobs, educational admissions, and contract awards on the basis of race, ethnicity, and gender. Some argue there is a distinction between a quota and a so-called goal and timetable, but that, in my view, is misleading and of no practical meaning. It is not the label that is objectionable, but the practice—and that practice is unfair preference that discriminates against fellow citizens in this country. It does not matter what one labels a numerical requirement that requires, causes or induces preference—if you are discriminated against because of it, the harm is all the same regardless of the feel-good label someone else puts on it. And the harm to the victim is the same whether the employer is private or public.

I just want to make this comment. During the hearings, the only people who basically asked about affirmative action policies were two Republicans, Senator SPECTER and myself. The only other person that I recall asking about affirmative action—one aspect of affirmative action—was, I believe, Senator KENNEDY when he raised the Johnson versus Santa Clara case briefly. But that is one little aspect of the overall problem.

I wondered why Members on the other side of the aisle did not ask a lot of questions on affirmative action. And I believe the reason why is because they knew that Clarence Thomas, a African-American who had lived through the sting of discrimination, understands that issue better than any of us and that his position is very, very difficult to undermine and that most Americans are against quotas in the form of preferences or other discriminatory action.

During the hearings, brief reference was made to the Johnson versus Santa Clara case, a 1987 Supreme Court decision. Under a nondiscrimination standard, Mr. Johnson would have been hired by the Santa Clara County Transportation Agency for a position in a job category that had 238 men and no women. Among seven qualified applicants, he was deemed under a neutral, nondiscriminatory hiring process as the most qualified for the job. The district court found that in the ordinary course of events, he would have been hired by the division director of that particular job category. What happened next, however, is that the county affirmative action office got involved and contacted the agency's affirmative action coordinator. The affirmative action coordinator in turn intervened and suggested to the agency director that he intervene and direct that the most qualified candidate, Mr. Johnson, be passed over and the most qualified woman of the seven qualified finalists be hired instead so that the county could make progress toward its affirmative action goal of attaining a work force in each job category whose composition was 36 percent female. It cannot be emphasized enough that the district court found that this recommendation was not to remedy any prior discrimination by the county against this individual woman, or even against women generally. In a word, the affirmative action coordinator's recommendation to hire the lesser qualified woman over the better qualified man was a preference made to reach an employment level of 36 percent women. Moreover, the agency director was not ordinarily involved in hiring at this level, and would not have been involved at all but for the intervention of the affirmative action coordinator.

Now, the district court found that the agency director directed that the woman be hired, without even inspecting the applications and related examination records of her and the man who was originally selected for the job by the division director. The district court found that it was enough for the agency director to know that both the woman and the man were minimally qualified, and that one was male and the other was female. Further, the agency director knew that as the head of the agency, his chances on further promotion depended in part on how well his agency's hiring advanced the county's official affirmative action plan of achieving statistical proportionality of 36 percent women in each job category. After a 2-day trial, the district court found, in factual findings that were not disturbed by the court of appeals and binding on the Supreme Court under the Federal Rules of Civil Procedure, that the woman's gender was the determining factor in her selection for the position.

Now, all of this was done under a plan that I believe one of my colleagues described in the Judiciary Committee hearings as not a quota, but just a mere affirmative action plan to increase female participation in the workplace. Supporters of racial and gender preferences like to say that the person preferred was qualified. But if a better qualified person, even if ever so slightly, loses a job because race or gender counts against him or her—as Paul Johnson did in the Santa Clara case—that is fundamentally unfair and violative of title VII as written. As Judge Thomas said in the hearings, if you reversed the facts in the Santa Clara case—if a more qualified woman was passed over in favor of a lesser qualified man in order to reach a statistical level of males in the work force—I do not think anyone would disagree that title VII had been violated.

I must stress that the label, whether called quota or affirmative action or anything else, is not the key. It is the practice of preference in hiring and promotion based on race, gender and other outlawed characteristics that is the key here. The reason to oppose a quota is because it causes preferences, not because the word quota sounds bad. So it is not enough to say we oppose quotas, we must oppose preferences. And we must oppose the various means by which preferences are required, caused or induced.

If I do not miss my bet, most young people who were raised in the sixties, regardless of gender, regardless of race, oppose quotas and preferences also. Because many of them at one time or another have either received a benefit from a quota system or have received the sting of having been rejected because of a quota system. Because that is the way it is being run, in part, in this country today.

Title VII as written bans preference. Title VII is not heavyhanded interference with the private sector as its opponents claimed in 1964.

It is the embodiment of the principle of equal opportunity and nondiscrimination. But in a 1979 decision George Orwell could appreciate, the Weber case, the Court construed title VII to permit preferences in training, not to remedy any prior discrimination by the employer, but to increase the numbers of minorities in a job category where there was a large statistical imbalance. In Weber, a more senior white male was discriminated against. In the Johnson case that I mentioned earlier, the Court extended this creative interpretation to hiring. Five members of the Johnson Court indicated that Weber was wrongly decided; that it had turned title VII on its head. Five of the Justices on the Court—in other words, a majority of the Court—said it was wrong. However, two of them adhered to stare decisis and not only let Weber stand, they also extended it, in this case, to hiring methods.

It is desirable to increase the number of minorities and women in various jobs, but not at the price of discriminating against other hardworking, innocent persons who are not privileged people in this country. I might add there have been many instances in which preferences for members of one minority group have disadvantaged members of other minority groups and women. Preferences for women have disadvantaged minority males, as well as white males. In an increasingly multicultural society, the preference problem is less and less a black-white issue.

The victims of preference do not have 150 groups out there lobbying for them. Nor do they have Justices and judges twisting the civil rights laws in their favor. But they do have a moral right to be free of discrimination. That moral right was codified in statute, at long last, in 1964 for all Americans. It is that statute to which judges must be faithful. The victims of preference know that, however labeled or candycoated, preferences are unfair, immoral, and they do not even have to be lawyers to understand it turns the statute on its head.

It is not divisive to defend the principle of equal opportunity for every individual—it is divisive to compromise that principle.

If all one wishes to require is equal opportunity for all individuals regardless of race, ethnicity, and gender—our laws and Constitution as written already require that. There is no need to establish a numbers requirement.

A racial, ethnic, or gender numerical requirement, however labeled, is intended to be met. It is not intended merely to increase recruitment of minorities and women into the applicant pool, which can be required in its own right. It is intended to induce preferences of lesser qualified over better qualified persons in order to reach the so-called right numbers in hiring and promotions, educational admissions, and contract awards. That is as true in the private sector as in the public sector.

Judge Thomas criticized this kind of preferential affirmative action while in policymaking positions.

I said at the beginning of his confirmation hearings that Judge Thomas is a man of fierce independence. He demonstrated that independence during the hearings when he took the position that the 14th amendment's due process clause contains a substantive content, a position with which many conservatives take issue. Judge Thomas demonstrated that independence again when he disassociated himself from Chief Justice Rehnquist's comment on stare decisis in Payne versus Tennessee to the effect that erroneously decided procedure cases are automatically entitled to less weight than erroneously decided property cases.

Judge Thomas' independence, however, does not sit well with some special interest groups and some liberal academics and pundits. These critics would like to impose their liberal policy agenda on the American people through the judiciary. They cannot win in Congress because people here are afraid of up-front preferences and rightly so, because they know the vast majority of Americans do not favor them. And the proponents of preferences want to achieve preferences through the courts, these liberal academics and other thinkers. They fear Judge Thomas will be faithful to the Constitution and Federal laws as enacted, instead of to their political agenda.

We have heard from some quarters that Judge Thomas' previously held views vanished when he was before this committee and that certainly was not so. For example, his writings on natural law were overstated by various pundits and interest groups. In his writings and speeches Judge Thomas said that the Framers' understanding of natural law requires limited government, and limited government requires that judges, no less than legislators and executive branch officials, not overstep their constitutional authority. His discussions with the committee were entirely consistent with this principle.

The judge's discussions of affirmative action with the committee were similarly steadfast. Judge Thomas refused to budge from his stated opposition to racial preferences, articulated as a policymaker in the executive branch. Much of the opposition to Judge Thomas, in my view, stems from his forthright stand on this issue. They are not saying it, but that is what is really behind a lot of the opposition to him. Judge Thomas was and is unequivocal in his support for outreach programs, for making efforts to broaden the scope of employee applicant pools, for making whole the actual victims of discrimination, and for punishing the wrongdoers rather than innocent third parties. At the same time, he defended his opposition to race-conscious preferences that do not provide relief to actual victims of discrimination, but rather provide benefits to members of particular groups solely because of their membership in those groups. His support for educational preferences based on disadvantaged status, regardless of race, is fully consistent with his opposition to racial preferences.

I would like to emphasize that again. Clearance Thomas said let us not discriminate against our fellow men and women on the basis of preferences, on the basis of race, ethnicity, and gender. Let us treat all disadvantaged people, regardless of race, ethnicity, and gender, all the same. That is acceptable because it is neutral on the basis of race, ethnicity and gender. Frankly, the most astonishing vanishing act was by supporters of racial preferences on the other side of the aisle, who barely raised the issue with the judge, other than the Johnson case which I think is a clear-cut case where the judges, if they could have overcome their deference for stare decisis in that matter, would have overruled Weber.

The advocates of preference and reverse discrimination know that these policies are extremely unpopular with the American people. Accordingly, supporters of these unfair policies couch their attacks on Judge Thomas in other language. Thus, they criticize him for his civil rights record or alleged lack of sensitivity, or for being against all affirmative action rather than only the preferential, unfair aspects of affirmative action, as reflects his position while in the executive branch. In my view, it is really the Judge's expressed belief in the equal rights of all Americans that some of these critics are really upset about. I do not know how Judge Thomas will vote on specific aspects of affirmative action. As a Supreme Court Justice, he will be in a new and unique role. But because he has spoken out while in policymaking positions against preferences and what has become popularly known as reverse discrimination, the

supporters of these unfair policies wish to punish him. I trust, however, the Senate will not sacrifice Judge Thomas on the twin altars of preferences and reverse discrimination.

We have heard criticism of Judge Thomas stemming from his tenure as chairman of the Equal Employment Opportunity Commission. I will not recite the particulars of that criticism and then rebut them charge by charge. I think that the record of the Judiciary Committee hearings does that. Instead, I will make three brief points in response to this criticism. First, upon assuming the chairmanship of the EEOC in 1982, Judge Thomas inherited an agency that was left in a shambles by his Carter administration predecessors. Second, Judge Thomas markedly improved the performance of that agency. The Washington Post, no shill for the Reagan administration's civil rights record, praised "the quiet but persistent leadership of Chairman Clarence Thomas" in an editorial on May 17, 1987, entitled, "The EEOC is Thriving." The July 15, 1991 U.S. News & World Report wrote: "Overall, it seems clear that he left the [EEOC] in better condition than he found it."

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

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

[From the Washington Post, May 17, 1987]

THE EEOC IS THRIVING

Civil rights advocates have apparently given up on the Civil Rights Commission and disagree only on how little should be appropriated for the agency. Some groups have even suggested that the Treasury save the money and abolish the CRC altogether. This is probably due to the sharp philosophical disagreement between traditional civil rights lobbyists and those now leading the panel, most of whom have been appointed by President Reagan. Or it may simply reflect the fact that the commission, whose work was so vitally needed and so widely supported in the late '50s and early '60s, no longer seems to be fulfilling a function.

Another important executive agency charged with civil rights enforcement—the Office of Civil Rights in the Department of Education—has been hamstrung since 1984, when the Supreme Court sharply limited the scope of the law prohibiting discrimination by recipients of federal funds. Because Congress has not yet acted to overturn that ruling by legislation, OCR—even if its leaders were willing to act aggressively—has been unable to move against many kinds of discrimination that had been its responsibility before.

But things are markedly different at the Equal Employment Opportunity Commission, the federal agency ccreated in Title VII of the Civil Rights Act of 1964 and charged with rooting out employment discrimination. Here, the caseload is expanding and budget requests are increasing. Under the quiet but persistent leadership of Chairman Clarence Thomas, the number of cases processed has gone from 50,935 in fiscal 1982 to 66,305 last year. In the same time period, legal actions filed went from 241 to 526. To handle this much larger caseload and higher litigation level, this year's budget request was a record $193,457,000. That's one-third more than was spent at the beginning of this administration and $28,457,000 over last year.

Domestic budget requests, even for meritorious programs such as this, are being cut with a vengeance, and the request for the EEOC is no exception. The House did vote a $13 million boost, and the commission has asked the Senate to restore the full amount requested. Whether that is possible, given other budget constraints, is uncertain. But legislators who care about civil rights enforcements have a special obligation to sustain an agency doing this work and enjoying, to an unusual degree in these times, the support and encouragement of the administration.

Mr. HATCH. During his tenure, the agency brought over 3,300 lawsuits and recovered nearly $1 billion in relief for the victims of discrimination. Finally, these charges have all been aired before, sometimes several years before, yet Judge Thomas was subsequently confirmed by this body at least once and sometimes as many as three times after the charges were initially made. If these charges were serious, why did this body confirm Judge Thomas, and in particular why did this body confirm Judge Thomas for the court of appeals, clearly one of the most important courts in this country, or for a second term as EEOC chairman? The fact is, the Senate has implicitly rejected these charges before, and in some cases repeatedly.

What this confirmation struggle is really about is the vanishing liberal hope that the judiciary, under the pretext of interpreting the Constitution, will impose on the American people the same liberal policies that have been overwhelmingly rejected in five out of the last six Presidential elections.

If there was a central theme to Judge Thomas' testimony, it was this: The roles of the judge and the policymaker are wholly and completely distinct.

As Judge Thomas correctly stated on taking the bench, a judge must shed his previously held policy views and interpret the written law. The people themselves, through their elected representatives in their State legislatures and Congress, determine what the policy shall be. The role of the judge, according to Judge Thomas, is to discern the intent of the lawgiver and carry out that will. For a court to second-guess policy determinations made by the political branches is to overstep its role.

This distinction—between the judge as interpreter of the written law and the legislator as the author of the written law—appears to be wholly lost on some of Judge Thomas' critics. They are incredulous that Judge Thomas could, as a policymaker, have taken strong positions, and then, as a judge, forswear any policy agenda. For them, apparently, adjudication in the courts is nothing more than a continuation of politics by other means. Put more bluntly, some of the critics of Judge Thomas would collapse the distinctly different functions of adjudication and policymaking into an approach that simply reaches a preferred policy result, whatever the violence done to the written law, including the Constitution.

Any philosophy of judging other than adherence to original meaning permits unelected Federal judges to impose their own personal views on the American people, in the guise of construing the Constitution and Federal statutes. There is no way around this conclusion. This approach is judicial activism, plain and simple. And it can come from the political left or the right.

Let there be no mistake: The Constitution, in its original meaning, can readily be applied to changing circumstances. But while circumstances may change, the meaning—the principles—of the text, which applies to those new circumstances, does not change.

Alexander Hamilton, an advocate of a vigorous central government and a defender of the judiciary's right to review and invalidate the legislative branch's acts that contravene the Constitution, made clear that Federal judges are not to be guided by personal predilection in their exercise of that power of judicial review. In the Federalist No. 78, he rejected the concern that such judicial review made the judiciary superior to the legislature:

> A Constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. * * * It can be of no weight to say that the courts, on the pretense of a repugnancy [between a statute and the Constitution], may substitute their pleasure to the constitutional intentions of the legislature. * * * The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body. [This] observation * * * would prove that there ought to be no judges distinct from that body.

Such a commingling of the legislative and judicial functions, of course, would tend to start us down the road to the kind of tyranny the Framers fought a revolution to overthrow, and warned about when they separated executive, legislative, and judicial functions in our constitutional scheme.

When judges depart from these fundamental principles of construction, they elevate themselves not only over the executive and legislative branches, but over the Constitution itself, and, of course, the American people. These judicial activists, whether of the left or right, undemocratically exercise a power of governance that the Constitution commits to the people and their elected representatives. And these judicial activists are limited, as Alexander Hamilton shrewdly noted over 200

years ago, only by their own will—which is no limit at all.

As a consequence of judicial activism, we have witnessed, in an earlier era, the invalidation of State social welfare legislation such as wage and hour laws. Since the days of the Warren Court, judicial activism has resulted in the elevation of the rights of criminals and criminal suspects, resulting in the strengthening of the criminal forces against the police forces of our country; the Orwellian twisting of the constitutional guarantee of equal protection of the law and statutory prohibitions against discrimination into a license to engage in reverse discrimination; the creation out of thin air of a constitutional right to abortion on demand; and more. I might point out that restoring the original meaning of the Constitution or statutes is not extreme, or ultra, or part of what one of my colleagues, in opposing Judge Thomas, called the rightwing extremist movement. One of the objectives of the judicial activists for the future is the elimination of the death penalty.

The Constitution, as it has been amended through the years, in its original meaning, is our proper guide on all of these issues. It places primary responsibility in the people to govern themselves through elections. That is why appointing and confirming judges and Supreme Court Justices who will not let their own policy preferences sway their judgment is so important.

While on the topic of judicial activism, I note that many of my liberal colleagues—now that they fear that their ideological brethren will no longer control the Supreme Court—have suddenly discovered the doctrine of stare decisis; standing by decided rulings. They even suggest that a failure to adhere to stare decisis now by the Rehnquist court would amount to judicial activism.

In my view, respect for legal precedent is important principally in order to facilitate adherence to the original meaning of statutes and the Constitution. Restoring original meaning by overruling earlier, overreaching decisions is not judicial activism. Rather, it is a reflection of fidelity to the Constitution and laws as enacted, not the personal preferences of the judiciary, be they liberals or conservatives. Overturning prior decisions that depart from original meaning is politically neutral. It is the fulfillment of the principle of democratic self-governance by which we are supposed to live. Now, some prior erroneous decisions are so embedded in our very way of life, with so many expectations and institutions built around them, that overturning them would be imprudent. But Justices across a wide spectrum, including Justices Brandeis, Cardozo, Frankfurter, Powell, and Brennan, have acknowledged that prior Supreme Court decisions can be overturned in a proper case. In fact, there have been about 200 of them that have been thus overturned.

The touching concern that some liberals express for precedents today is based largely on their desire to preserve only certain percedents—the judicial activist decisions of which they approve. But when the Supreme Court had earlier overturned precedents of which these liberals disapproved, they were not to be found among the ranks of the advocates of stare decisis.

In 1961, in Mapp versus Ohio, the Supreme Court overturned a 12-year-old precedent, Wolf versus Colorado, and imposed the exclusionary rule on States. I do not recall much, if any, concern expressed by liberals about stare decisis at that time. As Prof. Milton Handler of the Columbia University Law School had written as early as 1967:

> Eminent scholars from many fields have commented upon [the Warren Court's] tendency towards overgeneralization, the disrespect for precedent, even those of recent vintage, the needless obscurity of opinions, the discouraging lack of candor, the disdain for the factfinding of lower courts, the tortured reading of statutes, and the seeming absence of neutrality and objectivity. [Handler, the Supreme Court and the Antitrust Laws: A Critic's Viewpoint, 1 Ga. L. Rev. 339, 350 (spring 1967)].

Law Prof. Earl Maltz, in 1980, wrote:

> It seems fair to say that if a majority of the Warren or Burger Court has considered a case wrongly decided, no constitutional precedent—new or old—has been safe." [Maltz, Some Thoughts on the Death of Stare Decisis in Constitutional Law, 1980 Wis. L.Rev. 467 (1980)].

As the June 20, 1966 U.S. News and World Report report said:

> The upheaval in America * * * under the Warren Court has been characterized by legal scholars as the most "daring and revolutionary" period of "judicial activism" in constitutional history.

This disregard for precedent is acceptable to some when it implements a liberal social and political agenda. Then when the judicial activist decision is rendered, it is supposed to be sacrosanct under the suddenly reappearing doctrine of stare decisis.

One more example: The Supreme Court in 1976 held in Gregg versus Georgia that the death penalty is constitutional. Nevertheless, Justices Brennan and Marshall repeatedly dissented in subsequent cases and in denials of stays of execution on the ground that the death penalty is unconstitutional. I am not aware of any criticism of these Justices for ignoring stare decisis by liberal opponents of the death penalty.

In contrast to a result-oriented approach, the application of stare decisis for the purpose of retaining the original meaning of provisions enacted by the people through their elected representatives or convention delegates is a principled and politically neutral use of stare decisis.

While Supreme Court decisions obviously bind the lower courts, when it comes to the Supreme Court's later consideration of an issue, Justice Frankfurter's words are apt:

> * * * the ultimate touchstone of constitutionality is the Constitution itself, and not what we have said about it. [Graves v. O'Keefe, 306 U.S. 466 at 491, 492 (Frankfurter, J. concurring)].

In conclusion, Judge Thomas understands the limited role of the courts in our constitutional scheme. He is eminently qualified to serve on the Supreme Court, and he acquitted himself admirably before the committee, as he has done in all of his professional endeavors in the private sector, the State sector, and in all three branches of the Federal Government.

As a matter of fact, let us just be honest about it, those who are criticizing him for lack of experience: Not any of us in this body has the experience, at age 43, in my opinion, that Judge Clarence Thomas has had.

Let us give some credit for that. I think he is eminently qualified to serve on the Supreme Court. He did a good job before the committee, as he has done in all of his professional endeavors.

I look forward to voting for his confirmation and his tenure as Associate Justice of the U.S. Supreme Court.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

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

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

Mr. DOMENICI. Mr. President, will the Senator yield for an inquiry? Might I pose a request to the Chair that I follow the Senator, so my waiting around will not be in vain?

Mr. GORTON. I will be delighted.

Mr. DOMENICI. I ask unanimous consent that the Senator from New Mexico follow Senator GORTON, when he has yielded the floor, for 10 minutes.

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

The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remark of Mr. GORTON pertaining to the introduction of S. 1803 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. CONRAD. I ask unanimous consent to proceed as if in morning business.

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

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

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1804 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. SANFORD addressed the Chair.

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

THE SENATE ROLE OF ADVICE AND CONSENT

Mr. SANFORD. Mr. President, history has a way of calling attention to itself. In 1932, just 2 months shy of his 91st birthday, Oliver Wendell Holmes informed then President Hoover of his intention to resign from the U.S. Supreme Court. Holmes, in declining health, submitted his letter of resignation to the President stating that he was compelled to sever "the affectionate relations of many years and the absorbing interests that have filled my life." The President replied, "I know of no American retiring from public service with such a sense of affection and devotion of the whole people." Chief Justice Hughes wrote of Holmes that his colleague's opinions "have been classic, enriching the literature of the law as well as its substance."

Last June, another icon of constitutional jurispurdence, Justice Thurgood Marshall, announced his retirement from the Nation's highest court. Coincidentally, this week marks the 24th anniversary of the day Justice Marshall was sworn in as a member of the Supreme Court. With Justice Marshall's retirement we are again met with the constitutional duty to raise to that body another justice, and must consider the individual whom the President has nominated. It is fair to measure the nominee by the career, legal scholarship, and wisdom of the one he would replace. The Hughes appraisal of Justice Holmes suggests an ultimate standard to which all Supreme Court Justices should aspire but few can attain. Now, as the Senate reviews the President's choice for a Supreme Court Justice, it is a fair question to ask how close might this nominee come to reaching the Oliver Wendell Holmes standard? How close will the nominee come to the Thurgood Marshall standard? The qualities possessed by those men and their great service are legitimate and proper standards. Why should the President not seek the best?

Whoever is ultimately confirmed will become only the 106th Justice of the Supreme Court—so few, serving so many, in a unique and important exercise of American freedom, protecting the unity and the diversity in our pluralistic society.

The determination of who shall be the 106th person in whom we place our trust for a lifetime is not a political decision. It is a sole and solemn obligation of each U.S. Senator. We each must decide how we will make such judgment. We should set tough standards and exacting standards.

My questions about nominees for the Supreme Court have not been related to what his or her decisions will be, but rather to how these decisions will be reached. Certainly those who vote on the confirmation of a Justice should examine prior positions and writings, but my approach has been to inquire about a candidate's scholarship as defined by the integrity of his intellect, his knowledge of the law, and his objectivity. True scholarship is the best guarantee we have of a justice's future performance. All other attributes pale in comparison.

I have said in deliberations about Supreme Court nominees that scholarship is definable and recognizable, and it is the relentless, uncompromising search for truth. The intellectual honesty of true scholarship and the concomitant intellectual capacity that will measure up to the challenge are the indispensable attributes that we should consistently demand, with no compromise, of a Supreme Court Justice.

These are the standards I have used for others, and are the standards I must use today in making my sole and solemn decision about the confirmation of Judge Clarence Thomas.

JUDGE CLARENCE THOMAS

Rarely has the Senate heard a more moving and impassioned opening statement to the Senate Judiciary Committee than the one delivered by Judge Thomas on September 10. Indeed, there is much to applaud in the life of Clarence Thomas. He is a self-made man, he has lifted himself out of an impoverished childhood in rural, segregated Georgia. His sruggles are not unique to those of his generation and race, but they are important statements about the man and his ability to face hostilities and prejudice, to educate himself, to work hard and to succeed. I praise that kind of success, and have dedicated my public career to shaping an America where far more such success stories can be achiveved. His record is more than relevant here, for it is, I might note, the peculiar place of the Supreme Court among all of American institution to protect the disadvantaged from abuse and prejudice and discrimination. It was the Supreme Court, after Presidents, Congresses, Governors and State legislatures had failed, who broke the shackles of prejudice and ended the racial segregation in our schools.

The question for us goes beyond his biography to his qualfiications to participate from such a special pedestal in the shaping of the Nation for the next half century.

Having spent a large measure of his adult life in various appointed offices in the executive branch before being appointed to the Federal bench a scant 18 months ago, Judge Thomas has been noted for his willingness and stridency in speaking out on a variety of issues.

During the confirmation hearing, Judge Thomas retreated from many of his opinions and positions in the speeches and articles of his past. His disavowal of previously held opinions as statements expressing hostility and lack of support for Supreme Court precedents, and his challenges to congressional authority, raise serious questions. By distancing himself from these earlier statements, the judge, at one time or another, offered reasons such as: he had not read a document before citing it in a speech; he had not agreed with the statements he explicitly endorsed in an article; or, he was only trying to make a point with his audience.

Are these the responses of a scholar—of a truth seeker? Judge Thomas, he seemed to be contending, had simply expressed frivolous views for the benefit of the moment. Consider some examples of his responses.

Judge Thomas was the highest admininstration official to serve on a White House working group which issued a report sharply criticizing as fatally flawed a series of decisions protecting the right of privacy including Roe versus Wade. The report noted that such decisions could be corrected by either constitutional amendment or by "appointment of new judges and their confirmation by the Senate." This may or may not be true. I am not concerned with the appraisal, nor with the suggested scheme. I find the explanation of Judge Thomas to be astounding. "To this day, I have not read that report," he said. That tells me something I did not want to know.

With respect to natural law, Judge Thomas in both speeches and articles repeatedly found the concept and application of natural law to constitutional interpretation attractive when advocated by others and praiseworthy as a firm basis for constitional decision-making. The danger with the application of natural law is, of course, that it can be whatever the beholder wants it to be, and used to achieve just about any result desired. These previous endorsements of natural law by Judge Thomas did not survive the confirmation hearing but they relate now to the soundness of his scholarship.

During a speech before the Federalist Society at the University of Virginia Law School in March 1988, Judge Thomas stated,

> The higher law background of the American Government whether explicitly appealed to or not, provides the only firm basis for a just and wise constitutional decision.

In an article published in the Harvard Journal of Law and Public Policy in 1988, Judge Thomas stated:

Natural rights and higher law arguments are the best defense of liberty and of limited government.* * * rather than being the justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok majorities and run-amok judges.

As a final example, the praise and support for the Lewis Lehrman article, "The Declaration of Independence and the Right to Life: One Leads Unmistakably to the Other," which applied natural law to the right to life and afforded constitutional rights to a fetus at the moment of conception, was extravagantly praised in the speech Judge Thomas delivered before the Heritage Foundation in 1987. In that speech the judge stated that the Lehrman article was "a splendid example of applying natural law to the right to life."

Yet, during the hearings, Judge Thomas qualified his statement as merely an attempt to "convince his audience" concerning conservative views on civil rights. He stated that he "did not endorse the article" and did not agree with the Lehrman conclusions. He testified that he had only skimmed the article before praising it, that it was merely a throwaway line and that "I do not believe that Mr. Lehrman's application of natural law is appropriate."

During the hearings, Judge Thomas in rebuttal of his Harvard Journal article as well as these other examples, also told the Committee:

I don't see a role for the use of natural law in constitutional adjudication. My interest in exploring natural law and natural rights was purely in the context of political theory. I was interested in that. There were debates that I had with individuals, and I pursued that on a part-time basis.

Unfortunately, there are other examples of this wrenching disassociation with former beliefs to be found in the judge's statements on economic rights under the Constitution, on Oliver Wendell Holmes, on the obligations of Government for the less fortunate. In explanation, although he did not see any inconsistencies in his own statements, Judge Thomas offered a rationale in the change of role he had assumed on moving from the executive branch to the judicial branch that his words then were those of an advocate and his words now are the result of efforts to remain above the fray and under the cloak of impartiality.

In a speech in 1987, Judge Thomas continued his attack on precedents as egregious and commended the lone dissent of Justice Scalia in the case of Johnson versus the Transportation Agency of Santa Clara expressing the hope that it would "provide guidance for lower courts and a possible majority for the future." That case tested the appropriateness of voluntary affirmative action plans by private and public employers. Judge Thomas called the law an improper creation of "schemes of racial preference where none was ever contemplated."

In response to questioning on this issue, Judge Thomas stated that "when one is involved in the midst of debate in the executive branch and advocating a point of view * * * one continues to advocate that point of view. When I moved to the judiciary, as I noted earlier, I ceased advocating those points of view."

I am also troubled by Judge Thomas's critical views on the limits of congressional power. In another case in which Justice Scalia was the lone dissenter and used natural law to opposed a statute authorizing the appointment of the special prosecutor, Judge Thomas said of the case, Morrison versus Olson, that the Chief Justice had "failed not only all conservatives but all Americans" and that Justice Scalia showed "how we might related rights to democratic self-government and thus protect a regime of individual rights."

As a member of the Court he would be charged with faithfully interpreting the congressional legislation and determining Congress' authority in our constitutional system. Despite his disclaimers, his views are disturbing for their bearing on his understanding and appreciation for the separation of powers and his qualifications to interpret statutory laws.

CONCLUSION

I cite these examples not to question Judge Thomas' views, but to examine his reasoning and intellectual processes. As Prof. Christopher Edley of Harvard put it, support for Judge Thomas would be "choosing evasion over candor, conversion over consistency, political scripts over constitutional debate."

I have examined Judge Thomas' qualifications to serve as a Justice on the Supreme Court of the United States. I have listened to his testimony and I have read his articles and speeches and I have found him wanting. His 5 days of testimony were less than convincing.

We witnessed a likeable individual with a hazy understanding of the law, a thought process frequently meandering and unsure of its path, and with ill-fixed and vacillating beliefs. I am also less than confident that he could stand up to his colleagues in debate and discussion of the law in all its shapes and shadows. The Winston-Salem Journal, in yesterday's editorial, affirms my own concern. The Journal refers to a seminar attended by Supreme Court reporters and constitutional law professors this past weekend, at the College of William and Mary's Marshall-Wythe School of Law, to preview the coming Supreme Court term. The editorial stated when evaluating Judge Thomas' qualifications, "(t)o a person, they noted that when Thomas departed from his scripted answers, he demonstrated little familiarity with constitutional jurisprudence. * * * For years, he is likely to remain in the shadow of better-prepared justices."

I am also reminded of a conversation I had recently with John Hope Franklin, emeritus professor of history at Duke University. He expressed deep regret that the President had sent forward the name of Judge Clarence Thomas. "Thurgood Marshall," he reminded me, "graduated first in his law school class, and served as Solicitor General of the United States, as well as sitting as a Federal appellate court judge." He went on to say it was "anything but complementary to the hundreds of highly qualified black men and women who are legal scholars to have the President declare a candidate such as Judge Thomas the 'best' for the job."

I hold my duty under the Constitution to render "advice and consent" on the nomination of an individual to the Supreme Court to be an honored and privileged responsibility and one that must be exercised with every effort to seek truth and reason.

Sadly, I come to the conclusion that I must exercise my duty by withholding my consent to the nomination of Judge Clarence Thomas to be a Justice on the Supreme Court of the United States.

Mr. President, I thank you and I yield the floor.

Mr. THURMOND. Mr. President, I yield to the Senator from Colorado.

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

RURAL HEALTH CARE IN AMERICA

Mr. BROWN. Thank you, Mr. President, for your willingness to sign on to a letter we will send to the White House asking if there is not some way we can fund the 1-800 lines for Medicare. I do not want to divert the Senate from this important deliberation, but I think this is a matter my colleagues will be interested in.

Rural health care has a number of problems in America. Through a variety of programs, we tried to address those and help out. One of the significant programs I know all of our colleagues are familiar with is the Medicare Program. One of the things that impacts the rural areas with the Medicare Program is the fact that when people have trouble filling out the very complicated forms, which are very difficult to understand, they have a 1-800 number they can call to get some help. It is important for the rural areas because our urban areas all have offices in them. That is perfectly obvious to everyone. But in the rural areas, often the areas with the least income of anyone in our country, they need that 1-

800 number to simply find out what is going on.

I think what is happening now is alarming. The suggestion by HCFA is to eliminate the 1-800 numbers. Some who live in urban areas may say, "So what? That is not a problem." But let me assure them that it is a problem for much of America.

The simple facts are these: Rural health care providers are paid a small fraction of what urban health care providers are paid for doing the same service. That is right. In rural Florida, or rural Colorado, oftentimes our rural health care providers will receive half of what health care providers are paid in the city for exactly the same function. In Colorado, we have some services that the rural areas get half of what the Denver hospitals get, and the Denver hospitals get half of what the Los Angeles hospitals get.

I am not here to address that issue. That is a separate issue. But the point is this: Rural health care in America is a major problem and it suffers in part because of the way we discriminate against them in the formulas. The 1-800 numbers per beneficiaries and providers are vital to them to at least be able to fill out the form and understand the law so they can submit their claims.

HCFA has proposed to eliminate the 1-800 numbers. What it means is you can no longer call in and find out why your claim has been turned down. If you do not have the money to pay a private physician, you no longer have a 1-800 number to call and find out which health care providers will take Medicare patients. If you do not have the 1-800 number, providers cannot call in and find out what the problem is with a form or a billing that was not paid or, more precisely, how to fill it out in the first place.

We are not talking about anything that is easy or simple. We are talking about something the IRS would find shocking and complicated. The simple fact is the regulations in Medicare are some of the most complicated in the history of mankind. Any OSHA inspector would be proud of the complications that have gone into those regulations. The simple fact is people need help in knowing how to fill these forms out. The regulations are complicated and involved.

Some may say: What is the problem? If they need help in filling out the forms, why not call directly on a regular number? A couple things happen. First of all, a portion of the people do not have the money to call. Second, if someone on the receiving end of the call does not want to deal with one more problem that day, all they have to do is put you on hold and it is on your nickel. Someone who does not have money to pay for a half an hour phone call soon gets discouraged.

There is no subtlety in this. The simple fact is Medicare is talking about 10 percent fewer inquiries. This is not designed to shift the burden of the cost of those calls. It is designed to eliminate those calls. In their own review, they have suggested this will eliminate 10 percent of the calls. It might.

Mr. President, let me suggest that problems do not go away. The inability to understand the regulations do not disappear if you make it difficult to find out the information. The inability to file a claim does not go away if you do not have an 800 number. What it does is it becomes compounded. Work will increase, not decrease. This is a bad idea. I think it is to HCFA's benefit that they have suggested they can save $37 million this coming year in administrative costs. My colleagues might be surprised to know that they spend $1.45 billion a year for overhead. Let me repeat that: Overhead on Medicare is $1.45 billion; $1 billion 450 million a year on overhead.

Sure, they ought to save some money; absolutely. But before we cut off the people who have the least money and who do not understand how to fill out their forms, let us take a look at the kinds of things you could do to really save money. Let us take a look at the offices in which they reside. Let us take a look at their travel budget. Let us take a look at simplifying the forms. We could even take a look at simplifying the regulations. What about suggesting ways to revise the insurance protection so the benefits are available, but you simply eliminate some of the paperwork?

There are a lot of ways to save that money, but cutting off poor people in rural areas from finding out why their health claim is simply plain wrong and reflects bad priorities.

Already 41 of our colleagues have signed a letter to the President of the United States asking him to take a look at this and review the decision to eliminate the 1-800 numbers. I think we need to do it.

Health care providers are involved in these, too. Health care providers have problems knowing what those regulations mean and call for. They are part of this. There are 6.2 million calls from health care providers every year simply to find out how to fill out the forms and how you follow up on claims.

Mr. President, I hope all of our colleagues will consider signing this letter. I think the letter can make a difference. I believe if the President of the United States understands what is at stake here, he will help HCFA and the Medicare system turn these priorities around. We ought to be eliminating waste and fat and complications in the Medicare system, not cutting people off from finding out how to comply with the laws and the regulations.

I ask all of my colleagues, please give our office a call. Let us add your name to this letter to the President. I think by quick movement now we can save the elimination of this phone service that is so vitally needed. The decision is to be made within the next week or two. Money has to be made available from the contingency fund to keep the 1-800 lines going. If it is not done within the next 2 weeks, millions of Americans in rural areas who do not have the money for those calls are going to be cut off completely.

I thank the Chair.

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

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

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate resumed consideration of the nomination.

Mr. BIDEN. Mr. President, today, as we all know, the Senate has begun debate on how it will discharge one of the most important responsibilities, and that is deciding on whether to give our advice and consent to the confirmation of a Supreme Court Justice. It is a duty, obviously, we should not apologize for taking seriously, for it is precisely how the framers intended us to respond, that is, to take it very seriously.

Indeed, the early drafters of our Constitution gave this body and this body alone the power to select Justices to the Supreme Court now merely just to vote on them but to select them in the first instance.

It was only in the final hour of the constitutional convention, and as a matter of compromise it was decided that the President of the United States should also share in that responsibility. The Founders of our country did not envision that the Senate should be circumspect in exercising this advice-and-consent duty that we have. Otherwise, we should not gave gotten to the point where it was not until the very end that the President was even counted in on this arrangement.

Indeed, it was just 6 years after the Constitution was written when this body numbered 3 drafters of the Constitution among its Members. Just 6 years after the Constitution was ratified, the Senate voted to deny confirmation to George Washington's choice for Chief Justice. The Chief Justice nominee was John Rutledge. As the Senate of 1795 understood, so we should understand today; that is, that the gravity of our power to withhold

our consent to the President's nomination should not overburden our exercise of that power where it is appropriate.

For me, Mr. President, the nomination of Clarence Thomas to be Associate Justice of the Supreme Court is just such a case. For me, now is the time again for the Senate to exercise its prerogative not to give its consent to the President's nominee.

Mr. President, my view on this matter has nothing to do with Judge Thomas' character, for he is a man of character; it has nothing to do with his competence, his credentials, or his credibility. None of these are the sources of my opposition to Judge Thomas' confirmation to be an Associate Justice of the Supreme Court.

Mr. President, for me the question concerns Judge Thomas' judicial philosophy, his approach to interpreting the ennobling but nonetheless ambiguous phrases of our Constitution. And on this score, as I made clear during the consideration of Justice Souter's nomination, the burden of proof, in my view, rests on the nominee to demonstrate that his or her suitability for the Court in fact exists.

The burden is on the nominee to prove that he should go to the Court, not, in my view, upon the Senate to prove that he should not go to the Court. Just as the nominee must, in my view, persuade the President that he or she is the right person for the job before the President nominates that person, it makes eminent sense that that requirement of persuasion exists with regard to the Senate, for no one would suggest that a nominee, as a matter of right, can say to the President, "Nominate me." Obviously, the nominee has to demonstrate to the President of the United States of America that he or she is worthy of the position.

Based on what I just said about our Founders' acknowledgment that we, the Senate, had an overwhelming responsibility with regard to this process of how to form the third branch of government, how to fill it out, it makes then equally as much sense, is equally as compelling that just as the nominee must prove to the President that he or she is qualified, he or she must so prove to the Senate that he or she is qualified. The nominee must persuade the Senate that he or she is the right person for the Court before receiving our vote for confirmation.

In my view, Judge Thomas has not met that burden. Let me say at the outset here I acknowledge that reasonable women and men in this body, listening to all of the testimony, men and women of good conscience and good intentions, can differ on the judgment that I have made. I do not believe this is an absolutely cut-and-dried case. This is a close call, Mr. President. But I have concluded, reluctantly I must note, that Judge Thomas has not met the burden.

It is not that I know for certain that he will take the Court in a troubling new direction as some have suggested. I am not nearly as certain as others who say with absolute certainty, "I know the judge will take us careening off the path of history in this direction or that." I do not know that. I do not know that.

It is rather that I have too many doubts about the judicial philosophy of Judge Thomas to be confident that he will not do that and, for me—every Senator makes a different judgment—the minimum burden that must be met is the nominee convincing me that he will not—will not—take us off careening in the path that in fact is against the interests of the people of the United States, in my view.

Given what is at stake, Mr. President, and where the Court currently stands, it is a risk that I believe we cannot afford to take.

So let me start by discussing for a few minutes—I will not take much time today—just what is at stake now with respect to the freedoms of all Americans given the current direction of the Supreme Court.

Because we have heard so much about abortion, many people seem to think that this is the only right at stake in this debate. Such a view is very much mistaken, for the issues here go far beyond any one concern. Were that the only concern, Mr. President, that would not be a sufficient concern, in my view, because the judge did not state what his view was for me to vote against him merely because he refused to state his view. What is at stake now is the entire fabric, in my view, of our modern Constitution, an entire framework of legal protections, rights, and powers built up with care and caution over the past 6 decades, which I believe is now on the verge of being repudiated by the Rehnquist Court. That is what is at stake here, Mr. President. That is what concerns me the most.

Since the mid-1930's the Supreme Court has been erecting a basic framework of protecting our constitutional rights, a framework which is elaborate, and any attempt to reduce it to a few principles is a vast oversimplification. But, in the interest of time, in an attempt to make my point, I think it is important to recognize that there are at least three basic tenets of this approach that are under aggressive attack from the far right, this approach that has been in place for at least the past four decades.

The three basic pillars of this structure that are now seriously threatened are as follows: First, the Court's increased protection of our personal and individual freedom, like the right of privacy, freedom of speech, and freedom of religion, and the Court's insistence that the Government can interfere with these rights only in the most extreme circumstances. That is a principle that has been established for the last 40 years, Mr. President, and has been built upon and built upon year after year, and one which I believe is now in jeopardy.

The second broad principle is that the Court grants to Congress broad powers to advance the common good by enacting laws to regulate health, safety, the economy, and the environment and its restraint—that is, the Court's restraint—from blocking such laws passed by the legislature in any but the most extreme cases; in short, giving the legislative body, in the name of the people, the right under the police power of this country to protect the health and welfare of the Nation.

Third, the Court's fair balance between the legislative branch and executive branch to make sure that laws passed by Congress are fairly and fully applied. Think about the significance of these three developments in our constitutional law, new in the past 60 years. Sixty years ago the Supreme Court recognized no right of individuals to choose their own marriage partners or to enjoy the freedom of the press, or the freedom of religion beyond the interference of State government. Sixty years ago those principles were not enshrined in our Constitution in the cases that have been decided by the Supreme Court. Sixty years ago there was no power of the Congress to pass laws regulating the safety in the workplace or the quality of our air and our water. And 60 years ago there was no ability of Congress to establish independent agencies to see that laws were evenhandedly administered.

Today, all these principles having been established over the past 60 years there is an ultraconservative campaign to undercut the basic legal framework the Court has erected around these three freedoms over the past 60 years. The far right aims to pull down the pillars which support our modern constitutional philosophy. Ultraconservatives want to rip apart the framework built over the past six decades, supplemented and sustained by both liberal and conservative Justices over the last 60 years, by Courts dominated by both Democratic and Republican appointees. And that demolition, Mr. President, has already begun.

To cite just one example, about a year ago, in the case of Employment Division versus Smith, the Supreme Court threw out a 30-year-old precedent and drastically limited the freedoms of religious minorities to practice their faith free of Government intrusion. In other respects, the ultraconservative agenda is clear and lacks only the votes on the Court to be turned into law immediately.

In the case called Michael H. versus Gerald D., for example, Justices Scalia

and Rehnquist, speaking for a minority, outlined a judicial philosophy for dealing with the right to privacy that would vastly contract the scope of what rights that we now so highly treasure, which are highly treasured by Americans.

This radical approach, which Scalia and Rehnquist represented, so far has not won a majority of the Court.

In yet another respect, further assaults on the framework of protecting constitutional rights loom ever more clearly on the horizon, being advanced by legal scholars, whose ideas were once considered intellectual oddities, but who are now growing in power and influence.

In his writings and his speeches, Judge Thomas appealed, and appeared to embrace through his appeal, the views that advanced each of these three major items on the agenda of the far right. That is, he appeared to embrace the desire to narrow the protections for individual rights; he appeared to embrace the notion of the desire to limit the Congress' power to pass laws protecting our health, safety, and our environment; the desire to fundamentally alter the balance of power between the branches of the Government.

Like those who promote these views, Judge Thomas often phrased his support for them in the context of natural law. That is why there was so much questioning centered on this obscure and confusing matter—natural law. I want to make clear that I was not pressing Judge Thomas on natural law and his views on it because I wanted him to embrace it, or not to embrace it, nor because I wanted him to reject any particular view on it, as so many scholars whom I respect do. The point was to learn what philosophy, what method of interpreting the Constitution, Judge Thomas would bring to the Court, no matter what label he chose to put on his philosophy—natural law or otherwise.

Thus, what concerned me about his decision early in the hearing to repudiate his natural law writings was not that Judge Thomas was against natural law, any more than I feared that he was for natural law before the hearing began. What concerned me before the hearings, at hearings, and after the hearings, and as we stand here today, has been trying to learn just what approach to interpreting the Constitution Judge Clarence Thomas would bring to the Supreme Court; or, more specifically, whether Judge Thomas would join the emerging ultra conservative activist majority on the Court in dismantling the constitutional and legal framework I have described that has emerged over the past 60 years. In that regard, Judge Thomas' responses to the questions of the Judiciary Committee were, in my view, inadequate.

Many have expressed frustration at Judge Thomas' lack of responsiveness to the committee's questions. Others have said that vagueness and imprecision in responding to the questions was inevitable, because such an approach has become the most likely path for a nominee to win confirmation.

As I have made it very clear on many occasions, Mr. President, only the nominee can decide what question he or she will or will not answer. But if the choice is the nominee's to make, if this choice to decide whether or not the answer is theirs to make, the decision about what to do in response to a nominee's action is totally for us to make. If the nominee chooses not to answer a question, that is the nominee's right. But it is equally as much the right of a Senator to conclude that he will or will not vote for the nominee, based upon the refusal to answer, the inadequacy of the answer, or the vagueness of the answer.

I cannot force a nominee to complete a thought. I cannot force a nominee to engage the committee in his answers. But I am also not obliged to vote for the confirmation of a nominee who fails to do either.

Throughout his testimony, Judge Thomas gave us many responses and many full responses, but too few real answers.

Let me be clear. I am not talking about his refusal to say how he would vote on Roe versus Wade. For the 400th time, Mr. President, as long as I have chaired this committee, I have never asked any nominee, nor did I ask Judge Thomas, this question; nor am I opposing him because of his failure to answer this question when it was put to him by others. Instead, I am talking of the many constitutional issues on which Judge Thomas declined comment and provided unclear and uncertain distinctions.

What little we did learn about Judge Thomas' approach to the critical issues of the constitutional and judicial concerns has left a substantial question in my mind. As I noted before, Judge Thomas has praised some extreme ideas about economic rights, ideas which, if applied as their authors intended, would invalidate virtually every single modern legislative scheme to regulate the economy, the environment, and the workplace. He has endorsed a rigid view of separation of powers, an idea which, if fully implemented, would radically restructure government and its laws to affect a radical transfer of power from one branch of the Government, the Congress, to another, the President.

All of his writings and speeches, which address the question of the right of privacy, were hostile to the concept of the right to privacy—every one of them were hostile to the concept of the right to privacy.

Let me digress to make something clear with respect to the right of privacy. I asked about the right to privacy at such length, not in a result-oriented effort to determine how Judge Thomas would rule on Roe versus Wade, nor because I think there is any real chance that any State might ban the use of contraception in the year 1991. Rather, I made these inquiries because it is important that we place on the Court an individual who has an expansive view of personal freedom with respect to issues that will arise at the Court in the future, so we can have some faith that in issues that we have to even contemplated, they might very well be addressed in a way by someone who had an expansive view of personal liberties and freedoms.

So it is not good enough that a nominee begrudgingly pledges not to reverse the battles already won in the privacy area. Rather, I am looking for a nominee's disposition with respect to the question of personal freedom, not yet framed to the Court or the country.

I want to make it clear that this is not a liberal versus conservative question, and it does not require a liberal or conservative answer. There is no political or substantive reason why President Bush cannot nominate a jurist who would be good on these issues.

We all know many conservatives who think Government should stay out of people's private lives and that the courts, if necessary, should be vigorous in their defense of this ideal.

So to return to my principal point, Mr. President, these ideas on individual rights, economic rights, and on separation of powers, are part of an ultra conservative agenda to use the Court to fundamentally argue or alter the legal framework within which the Government operates. That is why I devoted so much of my time, Mr. President, at the hearings to questioning Judge Thomas on these matters.

Of course, Judge Thomas went out of his way at the hearing to assuage these fears. He said he had no agenda for the Supreme Court; that he had no disagreement with the Court's current approach to economic rights cases; that he had no idea of the full agenda behind the separation of powers views he endorsed in a speech, and that he supported the right of privacy. I accept each of these statements by the judge. I believe Judge Thomas when he says that he does not now have a checklist of cases to be overruled, and when he says that he never meant to advocate the full range of implications one could draw, or would have to draw, from his remarks.

So the question about Judge Thomas is what views will he, over time, apply to the Court?

I believe that Judge Thomas does not now know, nor does he have an agenda, but also he does not know, in my view, what views he will apply. But with the predisposition he articulated, I wonder what sort of an approach he will have as a Justice, once he does acquire a point of view on these issues.

This is a matter that I found to be of constant concern during the hearings and as I attempted to evaluate the judge after the hearings in determining how I should vote. Would Judge Thomas take the views hinted at in his speeches and writings and apply them to their full extent and conclusion as a Justice of the Supreme Court? This, for me, is the single most difficult question to resolve with respect to the nomination of Judge Thomas.

The major object of Judge Thomas' testimony was to reassure us that we need not worry. Unfortunately the major effect of his writings on these matters is to give great cause for concern. Where such doubts exist, I cannot vote to confirm the nominee. There is too much at stake for me to take a chance, too much at stake for us, as one newspaper urged, to "take a leap of faith."

Mr. President, Judge Thomas' writings sketch for us a judicial philosophy, if fleshed out and applied with force, would spell disaster for the balance this country has struck between the rights of individuals, the limits on abuses by businesses and corporations, and the powers of Congress.

I cannot gamble on what will happen once he arrives at the Court with the views he now acknowledges and the lack of a broader view of the role of the Court which he has demonstrated. This is a risk that I am not prepared to take.

Mr. President, these are the principal reasons why I will not vote to confirm Judge Thomas. It is not a decision I come to lightly, nor is it one that I enjoy making.

Everyone is impressed by Judge Thomas' personal life story. As I said at the outset, I have no questions at all about his fitness for high office in this country. Indeed, that is why I voted to place Judge Thomas on the second highest court in this land last year. But as difficult as this decision has been for me, it is one that I have made with conviction.

During the hearings, I found myself impressed by the testimony of Dean Calabresi, the dean of Yale Law School, who said of Judge Thomas: "I would expect that at least some of his views may change again." Having reference to the fact that he has changed his views over the past 20 or more years, as all of us have, to some degree or another.

Starting again and quoting:

> I would expect that at least some of his views may change again. I would be less than candid, if I did not tell you that I sincerely hope so,
>
> For I disagree with many, perhaps most of the public positions which Judge Thomas has taken in the past few years.
>
> But his history of struggle and his past openness to argument, together with his capacity to make up his own mind, make him a much more likely candidate for growth than others who have recently been appointed to the Supreme Court. * * *

Mr. President, like the dean of Yale Law School, I believe that Judge Thomas is likely to change his views once again, once he is confirmed. The problem for me, Mr. President, is that no one can know the direction that growth will take, not Dean Calabresi, not me, not even Judge Thomas himself.

I can best summarize my views on Judge Thomas' writings and speeches as follows: It seems to me that the major focus of Judge Thomas' works was the construction of an intellectual framework for an approach to the question of civil rights and equality that would be a marked departure from the prevailing view, an approach that is one I generally do not accept, but that does have a growing number of adherents, and I might add, does have some substance to it and is arguably correct.

In the process of developing this philosophy with respect to civil rights, Judge Thomas referenced theories being developed by other writers, for other purposes.

These theories, as I have pointed out in detail in my earlier speeches and to some degree earlier in this speech, would have devastating consequences if taken to the conclusion that their authors intend for them. I acknowledge that perhaps Judge Thomas, as he indicated at the hearing, I acknowledge the fact Judge Thomas, as he said, did not intend to embrace the conclusion of these theories and instead meant only to endorse them so far as they supported his view on civil rights.

But the litany of speeches and writings Judge Thomas has made in the past, the consistency with which they have appeared to embrace ultraconservative views, the State of the current Supreme Court and the danger of the fabric of our laws if these views were implemented all make it an unacceptable risk. Let me repeat that: If you take the views he stated, admittedly maybe only for the purposes of justifying and providing an intellectual framework for his view on equality and civil rights but nonetheless much more far reaching in their potential application, much more far reaching, if you take the intention of the persons whose views he speaks out in support of, take this as one element, Mr. President, take the second element that the Court is no longer a Court that is balanced in the sense that it has a Justice Brennan and a Justice Scalia on the Court, someone from the left and someone from the right, there is no longer any anchor on the left that I am aware of to any significant degree. There is a Court no longer in balance, Mr. President, add that to the equation, one, views stated if taken to their extreme although intended to be applied to civil rights but are applicable to many other fields, a Court that is about to make judgments and decisions that may have five votes to fundamentally change 60 years of accepted precedents with regard to the rights of individuals with regard to their privacy, with regard to the balance between the executive and legislative branches of Government, and with regard to the ability of government to protect the citizens against the intentions if they are bad—and they are not usually—but if they are bad, of major power sources and centers in society, you add those together, Mr. President, and it seems to me that the only way one can vote for Judge Thomas is to take a leap of faith, which I wanted to take. But when you think of those three pieces and the potential consequences, if any one of those pieces were missing, Mr. President, I would vote for Judge Thomas, who potentially is ultra-right but has not an agenda, but views that will take him down that road, if in fact Judge Thomas would be placed on a court where he became one or two of a nine-person Court sharing those views, I would be willing to take a chance he does not take those views. If Judge Thomas had reputiated the views as they applied to things other than equality and totally reputiated them, I would be willing to take a chance and, Mr. President, if the fabric of the laws of this Nation were not being reconsidered to such a degree at this moment in our history I might take the risk, but the fact is all three circumstances pertain.

Where Dean Calabresi and I part company is in the extent to which I am prepared to take a chance on Judge Thomas' change being in the right direction as opposed to the wrong direction. For me, because of where the court currently stands, the costs of adding yet another ultraconservative member could be extremely high indeed. Rulings deemed unthinkable just a decade ago may be on the verge of becoming reality.

In the era of the Warren Court, such views could have been seen as intellectually interesting, but in the era of the Rehnquist Court, these views present a truly daunting possibility of taking the country in the direction that I fundamentally disagree with, taking it in a direction that I ran for public office to prevent from happening.

I wish Judge Thomas had put to rest my misgivings on this score, but, as I have already indicated, he has not. And we are at a place in our country's history where the risks of confirming his nomination are simply too high.

So we have come to this difficult juncture, and all of us have come to it—the Senate, the President's nominee, and the President.

But this confrontation was not inevitable; it could have been avoided.

Later during the Senate's consideration of this nomination, I intend to have much more to say about where the confirmation process stands and where I think we should go from here.

I, for one, believe, respectfully, that the President of the United States must shoulder a major share of the responsibility for bringing us to this place of uncertainty by adopting the agenda of the legal ultra-conservatives in his administration and attempting to use judicial appointments to radically alter the legal framework of our government and so state in the platform of the party and so state while campaigning.

Most of our other Presidents have taken a far different approach—a far less ideological approach—to filling vacancies on the Court.

But as I said a minute ago, this is a topic I will address in more detail later on during this debate.

For now, I will say only that I hope the President will join us in breaking out of the cycle of political skepticism that has grown up around the confirmation process, because without him it will be impossible to make that break.

I hope that this is the last Supreme Court nomination I am forced to oppose during my tenure in the Senate, for it is with a truly heavy heart that I oppose the confirmation of this nominee—and it is with real regret that I contemplate the possibility of more such conflicts in the years ahead.

But neither sorrow, nor regret—nor a desire to be able to support Clarence Thomas—can permit me to vote for his confirmation when so much is in doubt and so much is at stake.

If Judge Thomas is confirmed, then I hope for the day when I could come to the Senate floor and announce that my decision to vote against his confirmation was the wrong one, that I should have followed my instinct and my heart and not my intellect. That is my hope, Mr. President. But I cannot today vote my hopes.

Therefore, I will not vote to confirm Clarence Thomas as an Associate Justice of the U.S. Supreme Court, while recognizing that equally well-intended, decent women and men in both parties can arrive at a very different view, because it is a close call.

Mr. President, I cannot vote my hopes. Too much is at stake.

I yield the floor.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business.

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

Mr. SEYMOUR. I thank the Chair.

(The remarks of Mr. SEYMOUR pertaining to the introduction of S. 1807 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

Mr. GRAHAM. Thank you Mr. President.

MEDICARE TOLL-FREE LINES

Mr. GRAHAM. Mr. President, I wish to bring to the attention of the Senate this afternoon a matter that is of great importance to older Americans. In my State, we have 2.3 million older Americans who are Medicare beneficiaries.

Earlier this year, the Health Care Finance Administration, commonly referred to as HCFA, notified Medicare contractors that Medicare toll-free phone service for beneficiaries would be eliminated effective October 1.

HCFA announced that 800 numbers would be discontinued due to inadequate funding levels requested by the administration in its fiscal year 1992 budget request to the Congress and expectations of what congressional appropriations levels would be.

Although toll-free service was not, in fact, terminated as of the 1st of October, it is expected to be after the House and Senate Labor-HHS appropriations bills are completed in the conference committee if funding levels are not increased.

Mr. President, here are some important facts about the 800 toll-free numbers for medicare beneficiaries:

Nationally, the toll-free line received about 33 million calls during the last fiscal year—33 million older Americans used this service in order to seek information.

In my State, there were approximately 2 million calls made last year, roughly 6 percent of the inquiries placed nationally.

Toll-free phone service represents the front line of defense against Medicare fraud and abuse. Let me repeat that, Mr. President. Toll-free phone service represents the front line defense against Medicare fraud and abuse. In my State of Florida, there were 10,000 fraud inquiries last year, almost all of which were initiated by phone.

At an Aging Committee hearing held yesterday, witnesses testified the toll-free line represents the first and primary point of contact for most beneficiaries who are reporting circumstances that appear to be fraudulent or abusive to the Medicare system.

Miss Janet Shickles of the General Accounting Office opposed discontinuation of the phone lines. She argued that such a discontinuation "would be devastating as almost all of the complaints come in by phone. I think there are about 18 million calls a year to carriers from the beneficiaries and about 1 million letters addressing Medicare complaints."

Mr. President, I ask unanimous consent that an article which appeared in today's Washington Post entitled "Medicare Fraud Said to Cost Hundreds of Millions" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, Gloria M. Cartwright, from Pinellas Park, FL wrote to me on September 11 and asked that we continue toll-free services for this reason.

Miss Cartwright stated: "Please vote to keep the toll-free phone number for medicare in Jacksonville." Jacksonville being the office that services the citizens of Florida. "To have to pay to call Medicare and then be put on hold, as happens so frequently, could be disastrous for most senior citizens in Florida."

Mr. President, I ask unanimous consent that Miss Cartwright's card be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. GRAHAM. What will be some of the consequences of the termination of this toll-free service? Inattention to about one-third of the 30 million-plus inquiries about Medicare claims now submitted by beneficiaries and providers. That will be one of the consequences.

Further costs, stemming from increased physician administrative costs, costs attributable to fraud and abuse which would go unreported, and written inquiries, including those from Congress—that would be another consequence of cutting off the toll-free line.

Lack of access for beneficiaries to information on how Medicare, a complicated and ever-changing program, works, and how claims processing affects those beneficiaries; that would be a third implication of elimination of the toll-free line.

An especially troubling situation for the Florida Medicare contractor, Mr. President, is the fact that contractor experiences a distinct claims increase each winter due to the seasonal change in Medicare population. If 800 lines are turned off during these critical months, the effect in Florida could be even more dire than in States that do not experience this surge in Medicare population.

Over the last several months, in conjunction with a number of my colleagues, I have taken a series of actions relative to the maintenance of the Medicare toll-free service. On June 26, I wrote to the chairman of the HHS Appropriations Committee, Senator HARKIN, requesting an adequate appropriation level for the Medicare contractor budget in order to protect vital beneficiary services such as the toll-free line.

On October 1, I joined with over 20 of my colleagues in cosigning a letter to President Bush which asked for his intervention in continuing the toll-free service. It also requested that contingency funds contained in the House and Senate appropriations bills be released as soon as they become available to providers in order to maintain toll-free lines.

Mr. President, I ask unanimous consent that a copy of both of these letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. GRAHAM. Mr. President, I am deeply worried that pending elimination of the toll-free line in Florida and across the country will have a deleterious effect on the quality of program care, future program cost, and both provider and beneficiary satisfaction. Senior citizens depend upon the Medicare Program and its beneficiary services components and deserve timely and accurate service. It is my hope we can resolve this issue and continue to provide this vital phone service to the Nation's Medicare beneficiaries.

EXHIBIT 1

MEDICARE FRAUD SAID TO COST HUNDREDS OF MILLIONS

(By Spencer Rich)

Fraudulent providers of medical services are bilking the Medicare program of hundreds of millions of dollars, in part because those in charge of investigating false charges are not doing their job, the Senate Aging Committee was told yesterday.

Committee Chairman David Pryor (D-Ark.) said the General Accounting Office has found that about half of all complaints of false billings and abuse are not investigated. Pryor estimated the result is a loss of "hundreds of millions, if not billions, of dollars" annually.

The Blue Cross and Blue Shield Association estimated that because of inadequate funds Medicare this year will recover $3.7 billion in fraud, billing errors and erroneous payments, but will fail to catch about $1.5 billion more that could be saved.

In one example of Medicare fraud, Sen. William S. Cohen (R-Maine) said "fly-by-night operations" with "telephone boiler rooms" would constantly call Medicare beneficiaries. They pitched "free medical equipment" that Cohen said was "rarely needed, generally of inferior quality, of little or no therapeutic benefits and which could even prove dangerous. . . ."

Brandishing what looked like a large piece of foam rubber, Cohen said, "A dry flotation mattress pad was purchased by a medical equipment telemarketer for just about $28, and then sold for more than $1,100 . . . for which Medicare picks up the tab."

Sometimes a supplier will simply forge a doctor's name, okaying the purchase as medically necessary, but more commonly, Cohen aides said, the supplier sends a form to be signed by the doctor with a letter saying the patient has requested the equipment. The doctor may sign it for fear of upsetting or antagonizing the patient.

Yesterday, the National Association of Medical Equipment Suppliers announced that it is forming a consumer advisory council to combat unethical practices in sale of medical equipment.

At the Senate hearing, Department of Health and Human Services Inspector General Richard P. Kuserow testified about a case in which "over 700 Medicare and Medicaid claims for seat lift chairs had been falsified and $208,000 paid based on false claims."

In other cases, the General Accounting Office reported, insurance companies brushed off callers who tried to complain by phone about billings for optical services, X-rays and surgery not received. The companies told them to write a letter to Medicare, the GAO said.

Patients receive statements from Medicare on what it has paid out to doctors, hospitals and others for their treatments and many can spot fake claims. If they find an error, they can use one of Medicare's free "hot lines" to notify the program's local administrator, usually an insurance company working under contract to the government as a claims processor.

But the GAO's Janet L. Shikles testified that when patients call insurers, the latter often are lax in referring the matter for investigation. Shikles said that of 1,000 calls on various matters at five such insurers that the GAO monitored, 56 involved potential fraud or abuse, but 31 were not properly referred for investigation.

Kusserow said another major problem is that it is easy for unscrupulous operators to obtain from Medicare a "provider number," used by a supplier or medical group to identify them for payment purposes. The system does not request enough information and does not check it carefully enough. At four regional insurance firms, "we identified 4,770 active provider numbers belonging to providers not legally authorized to practice. We found over $300,000 in allowed charges for these provider numbers," he said.

Medicare official Barbara Gagel said the program is taking steps to clean up abuse, including stronger controls over provider applications and background checks of past abuses by applicants.

EXHIBIT 2

PINELLAR PARK, FL, *September 11, 1991.*

DEAR SENATOR GRAHAM: Please vote to keep the toll-free phone number for Medicare in Jacksonville. To have to pay to call Medicare and then be put on hold, as happens so frequently could be disastrous for most senior citizens in Florida. Thank you.

GLORIA M. CARTWRIGHT.

EXHIBIT 3

U.S. SENATE,
Washington, DC, June 26, 1991.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education Agencies, Committee on Appropriations Washington, DC.

DEAR MR. CHAIRMAN: With more than 2.3 million Medicare beneficiaries in Florida, Medicare contractor funding is of paramount importance to our state.

The House Labor, Health and Human Services, and Education Appropriations Subcommittee provided $1.457 billion for the national Medicare contractors operating budget in its fiscal year [FY] 1992 appropriations bill. This level would result in a 60 percent cutback in services to beneficiaries and providers nationally. These service reductions would result in the following:

The elimination of beneficiary toll-free telephone lines which will dramatically increase the number of written and congressional inquiries and reviews, all of which are more costly to process than a telephone inquiry.

Inattention to about one-third of the 30 million plus inquiries about Medicare claims submitted by beneficiaries and providers;

The likelihood that about 7 million mandatory hearings on disallowed Medicare payments—70 percent of the total projected for next year—will be backlogged for 250 days or longer, violating an OBRA 1987 provision establishing a 90-day time limit during which Medicare hearings must be resolved.

Mr. Chairman, Florida will be hit hard by these service reductions, due to its large Medicare population and senior citizens from other States who migrate to Florida and set up residence during the winter months. Inquiries, including those to congressional offices, reviews, and hearings will be backlogged for months.

In establishing the Medicare contractor funding level, the House apparently has ignored instructions included in the fiscal year 1992 congressional budget resolution which called for a increase of 6.3 percent for Medicare administrative operations.

The House bill did establish a $257 million contingency fund for Medicare contractors to be controlled by the Office of Management and Budget [OMB]. The contingency fund will not, however, diminish the negative impact created by reduction and/or eliminations of programs that contractors will implement to stay within funding levels at the beginning of the fiscal year.

Historically, contingency funds are almost never released by OMB. If contingency funds are released later in the fiscal year, it will take months to re-establish such beneficiary services as toll-free lines, and to rehire and/or train new hearing officers to replace staff impacted by the initial budget reductions.

Senior citizens depend on the Medicare program and its beneficiary services' component and deserve timely and accurate service. While we recognize the budgetary considerations under which the Congress is operating this year, we urge the Senate to increase the contractor funding levels to $1.65 in its version of the Appropriations bill.

With warm regards,

Sincerely, Bob Graham.

U.S. SENATE,
Washington, DC, October 3, 1991.

Hon. GEORGE BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern about actions by the Department of Health and Human Services [HHS] and the Office of Management and Budget to suspend toll-free telephone information services for Medicare beneficiaries and providers.

It is our understanding that toll-free information service for Medicare beneficiaries may be discontinued after October 1, by HHS's Health Care Financing Administration. This follows on the heels of the July 1 suspension of toll-free lines for health care providers.

We are deeply concerned that the elimination of toll-free service for information on Medicare will adversely affect the ability of Medicare patients, particularly low-income senior citizens, to fully understand and obtain the benefits they are entitled to receive.

In fiscal year 1991, beneficiaries' toll-free lines handled 15.8 million calls from Medicare clients at a cost of $22 million, about $1.39 per call. The elimination of toll-free service will force Medicare patients on fixed incomes to pay for costly, prime time, long-distance calls if they have questions about benefits or claims.

Similarly, the administration's earlier decision to no longer reimburse Medicare carriers for toll-free lines for health care providers eliminated one of the most cost-effective methods of meeting the needs of Medicare clients.

Medicare providers are required to submit all claims on behalf of their Medicare patients. With the anticipated changes in the Medicare fee schedule and the complexity of the program, health care providers need basic support services to help them comply with correct billing procedures.

Toll-free provider lines cost an estimated $3 million annually to maintain. In fiscal year 90 they serviced 6.2 million calls, for about $.48 per call. Toll-free provider lines have been especially important to physicians in rural areas who have relied on them to assist in answering patient questions and concerns about Medicare. It now will be much more difficult for physicians' offices to provide the same level of information services to their patients because of the added time and expense of calling the Medicare carrier long-distance.

On June 28, 10 Senators sent a letter to HHS Secretary Louis Sullivan asking for a review of the Department's decision to shut down the toll-free lines, but never received a response. Last July, the Senate Appropriations Committee report on the fiscal year 1992 Labor-HHS-Education appropriation bill identified the continued operation of the toll-free lines as a priority.

We ask that you intervene to stop the elimination of Medicare beneficiaries' toll-free lines. We also ask that as soon as they become available, fiscal year 1992 HHS contingency funds be released to support this service and reinstatement of the reimbursement allowance for provider toll-free lines.

Sincerely,

HANK BROWN, DAN COATS, J. JAMES EXON, CHARLES E. GRASSLEY, LARRY CRAIG, LARRY PRESSLER, RICHARD C. SHELBY, BOB SMITH, DENNIS DECONCINI, CHARLES S. ROBB, HERBERT KOHL, MARK O. HATFIELD, WILLIAM S. COHEN, THOMAS A. DASCHLE, JAMES JEFFORDS, BOB GRAHAM.

PAUL WELLSTONE, JOSEPH R. BIDEN, JR., TRENT LOTT, RICHARD BRYAN, PAUL SIMON, CONNIE MACK, CONRAD BURNS, SAM NUNN, QUENTIN N. BURDICK, TIMOTHY E. WIRTH, TOM HARKIN, ALFONSE M. D'AMATO, JOHN MCCAIN, MALCOLM WALLOP, JOHN WARNER, DANIEL K. AKAKA.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the Chair.

Mr. President, having served on the Labor and Human Resources Committee, I got to know, and certainly got to respect, Clarence Thomas as a man of outstanding integrity, of intellect, and independence.

I predict—with no more certainty than anybody can predict in the opposite direction—that he will be an outstanding Justice. I predict it because I know his mind, I think. I predict it because I know his character and his integrity.

In adding my own voice of support to those favoring his confirmation, I feel compelled to make some points both about the nominee and about the sadly deteriorated nomination process.

It is utterly astounding to this Senator to hear opponents of Judge Thomas attack him for allegedly lacking candor before the Judiciary Committee. Admittedly he gave cautious answers, a caution due not only to judicial prudence but also to the Star Chamber quality of the new proceedings, having unfairly earned him charges of lacking a well-informed judicial philosophy and, most astonishing of all, lacking intellectual curiosity.

Others, who evidently observed different hearings but who share the same agenda, accuse him of being a judicial extremist. Mr. President, he cannot be both.

Well, he is neither an extremist, a fool, nor disingenuous. He is a principled man trying to survive a politically dominated process calculated to humble and humiliate anyone who does not share its liberal pieties and prejudices about the place of blacks in America. Woe betide the man who in his politically correct atmosphere dares to have independent thoughts and judgments.

But I do agree with some of the judge's critics that the obsession with his admittedly remarkable personal story overshadows the far more important intellectual story that can teach Americans and all freedom-loving persons throughout the world. Particularly at this moment in world history it is essential to recall the significance of Judge Thomas' invocation of natural rights.

Now the judge said repeatedly that natural law would have no place in his constitutional adjudication, and he has often indicated this in his writings. But it is utterly shameful that the Judiciary Committee of the U.S. Senate would have he or any other American feel apologetic for invoking it as a basis for our constitutional liberties. It is nothing less than a travesty when the very basis of our limited, constitutional Government should be treated with leering skepticism by too many who ought to know better.

It is only natural that Thomas, a descendant of slaves, should find natural rights appealing. Whatever phases of black nationalism existed in his younger life, they were transcended in his discovery of natural rights, and his absorption in the rich freedom emanating from the minds of Madison and Lincoln, natural rights men to the core.

Invoking Martin Luther King, Abraham Lincoln, and the American Founders, the judge has argued that natural rights provide the basis for constitutional government. Without natural rights we would, as Judge Thomas has warned, be subjected to run-amok majorities as well as run-amok judges. Without providing a formula or a code, natural rights remind us that mere willfulness cannot serve as a legitimate, principled basis for democratic government.

Natural rights have ever been the voice of common sense and the commonpeople against the willfulness of tyranny, whether one man or a mob, a fascist, a Communist, a theocratic despot or a self-centered king. We hear the language of natural rights in the era of ancient Greek democracy, in the voice of Antigone, as she beseeched Creon for common decency. We hear it in the language of the English revolutionaries, as they sought to limit the power of the monarchy, and of course, we heard it again in that epoch-making declaration: "we hold these truths to be self-evident, that all men are created equal.* * *"

I would say, Mr. President, self-evident to all but Judge Thomas' critics.

Today, we hear that very language of natural rights echoed in Eastern Europe and in China, where workers and students read the declaration to assembled masses. We hear it in South Africa, now finally appearing to abandon apartheid. Even the recent Soviet declaration of human rights and freedoms begins: "Every person possesses natural, inalienable and invincible rights and freedoms."

And what are these natural rights that so frighten Judge Thomas' critics while they continue to inspire the lovers of liberty the world over? Natural rights generally mean what most people today mean by human rights: basic freedoms of speech and press, freedom of worship, fair trials, the right to emigrate, the right to buy and sell property, and equal rights for women, among many others. Are these things, struggled for since the dawn of civilization and the foundation stones of our democracy, really so terrible? To listen to some of my Democrat colleagues, one would certainly think so. But perhaps they are indeed anathema to those whose liberal agendas would ride roughshod over these and any other liberties and decencies to reach their quota-driven goals.

Our rights as human beings exist from time immemorial; they are not created by a piece of paper; nor do they cease to exist because they are so often denied. A devotion to natural rights means a devotion to constitutional government: For Government officials that means respect for the powers and responsibilities that each particular branch possesses. Natural rights confer obligations on all citizens through the Constitution and laws; it is not a license for judges—or anyone else—to do

as they wish, thrusting themselves above the laws. Indeed, natural rights is why the law should be obeyed.

But as Lincoln emphasized in his speech on the Dred Scott decision, the declaration of the right does not mean its enforcement. It was the duty of the children and grandchildren of the founders, which means all of us, including the children of slaves, for the children of the founders are the upholders of their convictions to finally enforce that right. By recognizing that "all men are created equal" Americans could recover "the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that declaration, and so they are." So wrote and so spoke Abraham Lincoln.

The Civil War was the tragic result of America attempting to resolve the contradiction with which it was born—slavery in a land founded on the self-evident—Read Natural—Truth of Human Equality.

But the dangers to Lincoln's natural rights political philosophy did not end with the 19 century. They lived on in the antinatural rights ideologies and resentment and hatred that swept the Nation and the Court into enacting and approving segregation laws.

This antinatural rights ideology was one element in the rise of both nazism and communism, movements predicated more than anything else on the denial of the natural rights of individuals. Each sacrificed human rights to the will of a master race, a master class, and a master social agenda. Each denied, with gas and gulags, that legitimate government had to respect a fundamental, natural, human decency.

Those, Mr. President, today who scoff at natural rights should remember what the 20-century alternatives to natural rights—both here and in the world—have been.

In the long fight against segregation, natural rights was a vital ally in one of Thurgood Marshall's briefs in Brown versus Board of Education: "The Roots of our American equalitarian ideal extend deep," Marshall said, "Into the History of the Western World."

Indeed, they do, and it is time that Americans, including Senators, remember these roots: the political philosophy of natural rights. Surely the least that a Senate seeking to avoid being characterized as a body of "little deliberation and even less wisdom" can do is reaffirm the natural rights doctrine that underlies all of our liberties, the liberty of the body to advise and consent not excluded.

Mr. President, this Senator intends to vote with pride for Clarence Thomas.

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. HELMS. 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. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The nomination of Clarence Thomas is the pending business.

Mr. HELMS. I thank the Chair. I ask unanimous consent that, as in morning business, I be allowed to proceed for about 2 or 3 minutes.

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

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

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the submission of Senate Resolution 190 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, like his predecessors, President Bush is entitled to nominate individuals to the Court who he believes share his philosophical views. It is my personal opinion that should we reject the President's nominee, the Senate must be convinced that his choice is so lacking in intelligence, personal or professional integrity, or judicial competence that the nominee's confirmation will result in a great disservice to the Court and to the Nation.

This is not to say that the Senate should simply act as a rubber stamp, deferring to the President's wishes on each and every occasion. Indeed, I think the Senate's role in the appointment of Supreme Court Justices is one of its most important and critical functions. In fulfilling its constitutional responsibility and duty of giving advice and consent, I believe the Senate does, in fact, share with the President the responsibility for shaping the quality of the Federal judiciary and thus the quality of justice in our Nation.

In order to meet the responsibility imposed by the Constitution, each one of us has an obligation to very carefully evaluate the qualifications and competence of the individuals who are nominated by the President. A considerable amount of time has been spent reviewing the background of Judge Thomas, his academic credentials, as well as his years of public service.

Having carefully reviewed Judge Thomas' qualifications, his writings, and his testimony before the Judiciary Committee, I believe he should be confirmed for a seat on the U.S. Supreme Court. I say this despite the fact that I am confident that Judge Thomas does not share my views on a number of key issues and despite the uncertainty on how Judge Thomas will rule on issues of considerable importance, such as a woman's right to choose to have an abortion.

I must say that I am troubled by Judge Thomas' testimony before the Judiciary Committee that he has no personal view on the issue of abortion, that he has not discussed the issue or the decision of Roe versus Wade. I personally can think of no other decision that has generated as much controversy and ongoing public and private debate during the past decade as Roe versus Wade.

As a strong supporter of a woman's right to choose, I share the concerns of pro-choice individuals and organizations about how Judge Thomas is going to rule on challenges to Roe. But I am also convinced after hearing his testimony, and also talking to people I respect who are strongly in support of his nomination, that Judge Thomas brings no personal agenda to the Court.

I am referring specifically to Senator DANFORTH of Missouri. I do not know of any other individual in this Chamber that I have more personal regard for in terms of the high standards that he demands not only of himself but of the people who work with him.

In large measure I have turned to JACK DANFORTH to tell me about the character of Judge Thomas. He knows him well. He has worked with him. Judge Thomas, in fact, worked with Senator DANFORTH over a long period of time. I think he is in a good position to make a judgment about the character of Judge Thomas, and he has assured me that Judge Thomas has no personal or hidden agenda, and that he will be openminded on the Court.

Therefore, I feel confident that Judge Thomas will meet the responsibility imposed by the Constitution and that he will, in fact, keep a fair and open mind as the abortion issue and other difficult issues come before the Court in the months ahead.

The American Bar Association Standing Committee on the Federal Judiciary concluded that Clarence Thomas "possesses integrity, character, and general reputation of the highest order."

I think he is clearly an intelligent and thoughtful man, an independent thinker, and a competent jurist. He has overcome poverty, segregation, and deep-seated racism in this country—and there is still deep-seated racism in this country—and has achieved a position as a Federal judge, a position of great public trust and respect. I think

he is going to bring to the Supreme Court a perspective and range of experience unlike that of any of the current or previous Justices.

Mr. President, I recall reading in Justice Cardoza's book, "The Nature of the Judicial Process," that "In the long run there is no guarantee of justice except for the personality of the judge." That may come as a shock to many people, but I think a truth is revealed in that particular aphorism.

I have looked long and hard at the personality of Judge Thomas and I believe a man of his experience, while not fully developed in terms of his constitutional theories, nonetheless has the capacity for growth, moderation, and flexibility. I believe that he has the same capacity that we have witnessed in Justices such as Hugo Black, Earl Warren, and others, to become a truly outstanding member of the Supreme Court. For that reason, I intend to support his nomination when we have an opportunity to vote next week.

I yield the floor. 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. HATFIELD. 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. HATFIELD. Mr. President, I shall vote to confirm the President's nomination of Judge Clarence Thomas to the Supreme Court when the Senate votes on this matter in the days to come.

I will cast this vote with the confidence that Judge Thomas will continue to distinguish himself as a thoughful, fair, and independent jurist, and that he will bring a spirited and dynamic perspective to the Supreme Court.

Regardless of one's particular view on the issues raised in the debate surrounding his confirmation, all must be impressed by the exemplary life of Clarence Thomas. By now, most Americans are familiar with his rise from humble beginnings in Pinpoint, GA, his strict religious education, his distinguished legal training, and his ascension through the ranks to hold several key positions in Government.

The President's announcement that Judge Thomas would be his nominee to succeed Justice Thurgood Marshall on the High Court signaled the beginning of a fascinating national dialog about the Court, the nominating process and the nominee. Much attention has been focused on the often controversial constitutional and political views attributed to Judge Thomas prior to his judicial career.

I followed this debate, as I did when Judge Thomas was confirmed as a Judge on the United States Circuit Court of Appeals for the District of Columbia. Once again, I am convinced that he is well qualified for the position under consideration.

Mr. President, the nomination has again raised the difficult and possibly unanswerable question surrounding the Senate's proper role in the judicial confirmation process. Article II, section 2 of the Constitution, in classic constitutional ambiguity and brevity, provides plainly that the President shall nominate and "with the advice and consent of the Senate, shall appoint *** Judges to the Supreme Court."

The Constitution gives no further guidance. Thus, the Senate is required to address that aspect of the nomination, which Alexander Hamilton once characterized as "fitness."

As individual Senators, we are left to develop our own approach to this process. This is a highly, highly individualistic process.

Undoubtedly, there are organizations and individuals who oppose this nomination who will accuse those of us who vote to confirm Judge Thomas of being insensitive to their concerns. This charge exposes what I believe is a fundamental misunderstanding of the Senate's role in the confirmation process. If part of the Senate's responsibility under article II is to vote against nominees unless they hold views consistent with our own, I am afraid that I would never be able to support a judicial nomination.

I would certainly not be able to support this one, or any other nominee presented in the last decade. From this single-issue perspective, all of these nominees would fail the test on an issue that I care very deeply about, and that I have expressed myself many times about. This is the issue of the death penalty. Unlike the many who oppose Judge Thomas because of what they do not know about his position on Roe versus Wade, I know precisely where Judge Thomas stands in his judicial approach to capital punishment.

In response to questioning during his confirmation hearings, Judge Thomas stated that he would have no problem affirming a case involving capital punishment. In this regard, he is similar to every other Justice sitting on the Supreme Court today, with one exception. Justice Marshall, who has now confirmed that his retirement is effective next Monday, the first day of the Supreme Court's term, is the only Justice who opposes capital punishment and the application of capital punishment.

Some would argue that my opposition to the death penalty will somehow be diluted by my support for Judge Thomas' confirmation. Nothing could be further from the truth. In fact, to apply this type of single-issue litmus test to Supreme Court nominees would not only be a disservice to the particular cause, it would also imperil the separation of powers doctrine that has stabilized this Nation for over 200 years. In the words of former Chief Justice of the United States, Warren Burger:

> Presidents and legislators have always had platforms and agendas, but for judges the only agenda should be the Constitution and laws agreeable with the Constitution.

Our Nation which contains an infinitely diverse population has survived countless divisive national debates, including a bloody Civil War, partly because our forefathers endowed us with a constitutional government based on pluralism and individualism, and a Supreme Court free of daily political pressures. To hold up a single issue as the passkey to a seat on the Supreme Court is contrary to, and distorts, the fundamental principles this Nation was founded upon.

Mr. President, I do not believe that it is a coincidence or mere happenstance that single-issue politics have come to roost so firmly on the Supreme Court nominating process. In campaigns and speeches, we have continued to narrow the civic focus of this Nation. We have helped to addict Americans to the sugary junk food of single-issue politics. We talk the game of single-issue politics, but then, after all the talk, we duck the tough issues.

For a number of important policy areas, all of this has resulted in a continuing legislative void.

We have now reached a stage where it is not uncommon to see a throng of protesters march up Constitution Avenue, past the Capitol Building, and right past our buildings, and stop with their signs and slogans and calls for action directly in front of the Supreme Court Building. It is no wonder. Many questions intimate to diverse political agendas hang in the balance of the Court's membership.

In the current political landscape, exacerbated by the strains of a divided Government, who is surprised when Supreme Court nominees are asked to show their single-issue ID cards in order to gain admission to the most sacred branch of our Government? Few should be surprised, but each of us should be concerned about where this process is leading us.

The increasingly political nature of our confirmation process, and the strong influence of single-issue politics, in my view, seriously endangers the continuation of a truly independent judiciary. As I have said before, partisan politics should not play a part, either in support of or in opposition to a nominee.

Mr. President, some of us have the burden of history. Some of us were alive and can recall when President Roosevelt appointed practically all the Justices to the Supreme Court. It was not until President Truman came along and said maybe there ought to be a Republican on the Court, not for the

sake of partisan politics, but certainly for the diversity and pluralism recognized in our body politic, did we see some balance on the Court.

Mr. President, Clarence Thomas has found himself the focus of this awkward and often painful process, and has emerged thus far as a thoughtful and principled jurist. Many have taken advantage of this forum to label him an ideologue, a jurist well outside the mainstream of judicial thinking, a fanatic who has forgotten his humble beginnings. And these charges clearly misunderstand Clarence Thomas the person.

I would be less than candid if I did not say that this nominee has taken positions that are of concern to me. However, if I were to judge this nominee or any other based on the number of political beliefs we hold in common, I would then surrender my ability to urge tolerance upon my colleagues when a nominee whose views match my own reaches this body for confirmation.

I do not view this decision as fundamentally different from the one I faced in the nomination of Kenneth Adelman to the directorship of the Arms Control and Disarmament Agency. While I disagreed with Mr. Adelman on nearly every basic issue that might come within the purview of the Agency, I nevertheless voted in favor of his nomination. He was qualified, and he was not an extremist. If I had opposed him, I would have forfeited my ability to fight in favor of the nominee more in step with my own views on arms control.

And that is another issue I feel very deeply about—arms control.

Mr. President, we flatter ourselves if we believe that we can accurately predict, through our political lenses, the great legal issues that will come before the Supreme Court during the tenure of the Justices we confirm today. Our time would be much better spent looking at the personal side of the nominee. We should focus on the family background, personal character, intellectual independence of the nominee. We should focus on his moral Constitution and his value system. it is here that Clarence Thomas, the person, excels.

On the matter of his judicial intellect, Judge Thomas brings to the Court a distinguished and hard won education, having graduated from the Yale University Law School. He is one of the few nominees in this century to have served in a legal capacity in each branch of our government, at both the State and national levels.

I have reviewed his record as a Federal circuit judge on what is commonly referred to as a second highest court in the land. And his is not the record of an ideologue. One commentator wrote in the Wall Street Journal that "the best way to predict how Justice Clarence Thomas would rule is to review how Judge Clarence Thomas has ruled. His political enemies won't find much grist in these rulings, which are textbook examples of judicial restraint."

We had a parallel case in the nomination of Judge Bork. We heard all the statements made by Bork the professor and Bork the Solicitor General. But when we began to review Bork the circuit court judge, we found that he voted with the liberals more often than he did the conservatives of that court. And yet he was presented to this body, to the same judicial review process, as some kind of a rightwing extremist.

I think we have to be total in our review of the record, especially when we are reviewing a record from a position that is most similar to the one which we are asked to conform him to, namely a circuit court of appeals judge.

Those who have known Clarence Thomas for many years testified on his behalf before the Judiciary Committee. They described a contemplative, caring, and warm person. I believe that these attributes will benefit the Court and this country long after the single issues have faded into the past.

One last point: I really disagree with labeling people. I think labels are so superficial and oftentimes lead to even inaccuracies when we talk about conservatives and liberals in our political process. This is no less the case when we talk about strict constructionists and liberal constructionists in the judicial world.

Mr. President, I would only say that in appointing Judge Thomas to the Supreme Court, we have an elected appointing authority that is basically conservative—the President of the United States. I am sure that we are going to get, as we have in the past from a conservative President, conservative nominees. Likewise, we get from liberal Presidents liberal nominees to the Court. Nobody would have ever considered any of President Roosevelt's nominees strict constructionists or conservatives. They were all liberals. And we believe that maybe there ought to be a balance on the Court. But let me point out that it is not necessarily true that once a Justice is appointed and remains in those so-called classifications as they are losely applied.

Let me remind you one of the most strict constructionist or conservative Members of the current Supreme Court was appointed by a liberal President. Three others who are considered today in the liberal wing of the Court were appointed by conservative Republican Presidents. And this anomoly has always been the case.

Look at the great feud that Thomas Jefferson had with Chief Justice Marshall. And yet, gradually, every one of those Jeffersonian appointments who came out of the Republican tradition of Jeffersonian Republicanism ended up under the influence of Justice Marshall.

So Justices on the Court are not locked into these artificial labels that are so loosely applied at times. I would also say that not only are we going to get a conservative nominee out of a conservative President, but we have confirmed three already in very short order. These were, I might add, white conservatives—Justice Scalia, Justice Kennedy, and Justice Souter.

But somehow the fact that we are now considering a so-called "black conservative," there is some difficulty because it does not fit some kind of predetermined mode. I think this is a point we ought to think about. Labels are transitory. Labels are not permanent. And labels are oftentimes very, very inaccurate. That is why I think fundamentally our role must always come back to basically the fitness of the person, the man or the woman, the personal, academic, scholarly and intellectual capabilities as demonstrated by the work and the personal and moral character of the individual.

And to apply some kind of a political litmus test under a single issue and to try to make a determination on the basis of labels about a strict liberal or a strict conservative, I think is really stretching the Senate's role and putting it on very loose sand.

We all know the historic fact of Justice William O. Douglas as a nominee who went around to knock on the doors of Judiciary Committee members to ask them if there were not some questions that they wanted to ask him after he had been nominated.

So the whole process has evolved and changed—even the confirmation process. Here we have four-star rated television programs based on the confirmation process. Mr. President, I might just gratutiously comment that from my mail and from the personal comments of my constituents, I do not think the institution of the Senate has been enhanced a great deal by the way these proceedings have turned into media events based on single-issue politics.

It is now almost an adversarial relationship between the nominees and the committee. In my opinion, this is part of the reflection of divided Government that we have today.

I do not know about your mail, but I must say that, while these great productions of the confirmation process may be getting some local coverage and may be providing some amount of political enhancement for individual Senators, I do not think that the production has been much of a plus for the U.S. Senate.

I am proud to stand here today and announce my support for Judge Thomas. I an very hopeful that somehow we will be a little more reflective as we think about nominees and how we conduct this process.

Of course, I could always come back and say I am one of those who voted

against televising Senate proceedings and, very frankly, I would have included committee sessions at the same time. I am not sure televising the proceedings of the U.S. Congress has enhanced the institution either. But that is another subject.

I am very hopeful that we will act expeditiously and confirm Judge Thomas and get on with the other matters that are before the Senate.

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

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

The bill 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.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

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

BLUE RIBBON AWARD KALAHEO HIGH SCHOOL

Mr. AKAKA. Mr. President, I rise today to congratulate Kalaheo High School for being selected as the 50th State's 1991 Blue Ribbon School.

As my colleagues are aware, the Department of Education, through the School Recognition Program, annually bestows meritorious distinction upon institutions of learning that have shown themselves to be at the forefront of educational excellence. Kalaheo High School has proven itself to be one of this country's leading institutions in offering topnotch educational programs within an exemplary learning atmosphere. Furthermore, Kalaheo serves as an extraordinary example of what can be achieved through student, teacher, parent, and community cooperation.

Mr. President, one of the keys to Kalaheo High School's success, according to Mr. William Tam, Kalaheo's principal, is the spirit of cooperative learning that has been fostered there. Mr. Tam refers to the school's environment to that of an "ohana," or family, where family values traditionally found in the home, such as giving, receiving, understanding, and mutual support, are unabashedly promoted. Small wonder, then, that the students at Kalaheo have garnered accolades on the State and national levels, as well as received international recognition for their production of a film depicting the life of Napoleon Bonaparte.

Mr. President, Kalaheo High is truly a Blue Ribbon School, eminently deserving of that prestigious designation. I commend the students, faculty, families, and the community at large for the high tribute they have earned and the signal honor they have brought to Hawaii Imua.

TRIBUTE TO CARROLL ROBBINS

Mr. KERRY. Mr. President I rise today to recognize Carroll Robbins, who recently retired after 5 decades as a journalist and 40 years with the Springfield Newspapers of Springfield, MA.

While the notion of a free press is intrinsic to our way of life, this constitutionally guaranteed right is only as strong as the character, honesty, and decency of those who work in the press.

Carroll Robbins' career has reflected these attributes. His decision to retire will leave a void in the daily operations of a news organization which has benefited from the perspective of a man with such a distinguished career.

From writing a column of high school notes for his hometown newspaper, the Norwood Daily Messenger, to becoming managing editor of the Springfield Newspaper's Daily News and later executive editor of the Union-News and Sunday Republican, Carroll Robbins has covered a half century of news.

He delivered local, regional, national and international news home to the doorstep of western Massachusetts citizens. He was responsible for seeing that his readers got complete coverage of the issues of the day from war and peace, civil rights and the election of President Kennedy to the revitalization of downtown Springfield, the Big E or the impact of current economic times on our region. Carroll Robbins has spent a lifetime working to inform the public.

Now Carroll's wife, Rose, their four children and nine grandchildren can enjoy a bit more time with their husband and father—though I'm told by a reliable source that Carroll's plans may also include some traveling and "getting back to nature" as well.

Next Tuesday, October 8, friends and colleagues will gather at the Carriage House, Old Storrowton Tavern in West Springfield to honor this fine gentleman. This day will bring full cycle the career of a journalist who believes so dearly in, and has worked so hard for, the concept of a free press.

On behalf of the U.S. Senate, I wish to extend my very best wishes to Carroll Robbins and his family as they experience this very special time.

SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. SEYMOUR. Mr. President, on June 19, the Senate passed S. 1204, the Surface Transportation Efficiency Act. But today, more than 3 months later, the Democratic leadership of the House of Representatives has still not acted to bring a surface transportation bill to the floor of the House.

Because of this delay, confusion reigns on many of our Nation's highways. These problems result from the Congress' inability to send a bill to the President and thus enact a surface transportation bill in time for the new fiscal year.

Mr. President, there is no excuse for this lapse. No one can claim surprise that current law authorizations expired 2 days ago. Those responsible for this costly and painful delay knew full well that our transportation programs and projects would come to a screeching halt if they didn't pass a transportation reauthorization bill before October 1. No, time lapse can only be blamed upon the politicking of the House Democratic leadership who have committed themselves to holding the bill hostage until they get what they want. Why are they holding the bill hostage?

Rather than moving forward and passing a viable bill, as the Senate did in June, the Democrats in the House preferred to waste time trying to foist on the American taxpayer yet another unpopular and economically unjustified gas tax. They wanted to terrorize the taxpayer with yet another foolish, unwise, and unnecessary taking of their hard-earned money.

And who loses, Mr. President? Well, I think it's pretty clear that we all do.

I was amazed yesterday when I saw the American Association of State Highway and Transportation Officials' estimates on the effects of this inexcusable delay.

An estimated $1.3 billion in output will be lost in the construction industry alone. And just as the other party is playing political football with the unemployment compensation bill trying to paint the President as uncaring, they invite the loss of an estimated 22,000 jobs or as many as 87,000 jobs, when you count those service industries, manufacturers, and other sectors that depend on mass transit and highway construction and maintenance programs.

Back home—where the rubber meets the road—such a loss will stab our fragile economy's halting recovery right smack dab in the back.

Who else loses, Mr. President? How about our small businesses, especially those who can ill afford delay and project uncertainties. Adding to the unemployment roles is not the way to bring this Nation out of recession.

Mr. President, Chairman ROE, NORM MINETA, and the other members of the House Public Works Committee are very talented in the transportation arena. They understand that much work needs to be done to help us move into the postinterstate era.

Under the leadership of Senators MOYNIHAN and SYMMS, the Senate bill

takes us down the road in that direction. It is balanced; it redirects our focus with a greater emphasis on the State and local decisionmaking process. It gives local planners flexibility in determining how their transportation dollars can best be used.

I am hopeful that the House will move forward to put together a bill that will add a greater measure of equity to the distribution of Federal funds. This was a point of grave concern during the Senate debate, and it needs to be revisited.

We need to eliminate the gaping disparity that exists between the donor States and the donee States. I fervently hope our colleagues in the other body will move quickly and send to conference a bill that will help these people keep their jobs and provide a new and sensitive direction in the distribution of transportation dollars.

California is a donor State, Mr. President. As a Nation-State of 30 million residents and growing—we grew by some 26 percent during the 1980's—we can ill afford a funding formula that will allow current allocation policies to continue. And as a donor State, we have contributed some $5.2 billion more into the trust fund than we have received back. In the period from 1988–89, we contributed more than $400 million to recipient States.

In short, Californians are seeing one-way traffic in funding, and that traffic is leaving our State. At the same time, my State's work force spends a growing portion of its day in traffic, hindering productivity and contributing to decreasing air quality. During peak hours, some 6,000 miles of California's main roads are at a virtual standstill.

And this situation is repeated in numerous States. We need more resources if we are to break through and put into place the infrastructure improvements growing communities need.

Mr. President, California, a Western State, and many others would clearly benefit from the FAST proposal which moves away from the current formula that imprisons us and other growing States in our roles as donor States. The FAST proposal offered here in the Senate and supported by 41 Senators would have provided an extra $1 billion to California over 5 years. After years of donating almost 25 cents of very dollar to other States, such a change would be welcome indeed.

For the sake of California and virtually every other State with highway, mass transit, and other infrastructure needs, action is needed. But it can't take place until the House leadership produces a bill.

Let's hope something happens soon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 312, Arnold Lee Kanter, of Virginia, to be Under Secretary of State for Political Affairs. I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; 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 nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Arnold Lee Kanter, of Virginia, to be Under Secretary of State for Political Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORIZATION OF TESTIMONY BY A MEMBER OF THE SENATE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization for testimony of a Member of the Senate and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 191) to authorize testimony by a Member of the Senate in People of the State of California v. Charles H. Keating, Jr.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Los Angeles district attorney has requested that Senator JOHN MCCAIN testify in the case of People of the State of California versus Charles H. Keating, Jr., which is a criminal proceeding in the Superior Court of the State of California for the county of Los Angeles. In this case the State of California is alleging that Charles Keating aided and abetted fraudulent securities sales in violation of State law. The district attorney has requested that Senator MCCAIN testify about a meeting with Mr. Keating, about which Senator MCCAIN has already provided testimony during the Ethics Committee proceedings.

Senator MCCAIN would like to cooperate with the district attorney and the court in this case, subject to the requirements of his legislative schedule. In accord with the Senate's standard practice, this resolution would authorize Senator MCCAIN to testify at this trial, except when his attendance at the Senate is necessary and except for matters for which a privilege should be asserted.

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

The resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 191

Whereas, in the case of People of the State of California v. Charles H. Keating, Jr., Case No. BA025236, pending in the Superior Court of the State of California for the County of Los Angeles, the plaintiff has requested the testimony of Senator John McCain;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John McCain is authorized to testify in the case of People of the State of California v. Charles H. Keating, Jr., except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. 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.

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 231, S. 1563, the National Sea Grant College Program Authorization Act of 1991.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1563) to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today to discuss legislation to reauthorize the National Sea Grant College Program. S. 1563, the National Sea Grant College Program Authorization Act of 1991, authorizes funding for the National Sea Grant College Program [Sea Grant] from 1991 through 1995.

The National Oceanic and Atmospheric Administration [NOAA] estimates that 50 percent of the Nation's population lives within 50 miles of our coasts and Great Lakes. Congress enacted Sea Grant in 1966 to address the complex issues arising from this demographic trend and the resulting pressures on coastal resources. Sea Grant represents a national commitment to the sustainable use of the country's important Great Lakes and marine waters and has helped to focus our Nation's universities on the study of our coasts, the sea, and their complex interrelationships. As a result, Sea Grant is a primary national resource in the areas of water quality, aquaculture, biotechnology, seafood and marine products, fisheries recruitment, ocean and coastal engineering, and marine policy.

More importantly, Sea Grant is a problem-oriented program that builds bridges between Government and academia, as well as between research laboratories and groups in need of reliable information. It serves as a successful model for multidisciplinary research directed at scientific advancement and economic development—goals that have been embraced as keystones of our national science policy. With limited funds, Sea Grant, in partnership with our States, has had substantial and positive economic impacts over its 25-year existence. It has improved the competitiveness of the Nation's coastal and marine economy by increasing the pool of skilled manpower, fostering scientific achievement, facilitating technology transfer, and educating the public on critical resource and environmental issues. Studies have shown that Sea Grant has created $20 in benefits for each Federal dollar invested in the program.

The Marine Advisory Service of Sea Grant provides significant links among users of the Nation's coastal and marine resources. It is a model for technology transfer, bringing information out of Government agencies and universities into the hands of the people who can truly make use of it. We need to increase this capability in our country, not reduce it. The Marine Advisory Service also links NOAA with other public agencies concerned with coastal hazards and brings them together with affected communities. In addition, it serves as a credible source of information in areas of resource conflicts and as a public service for those adversely affected by the rapid changes in our coastal and ocean areas, such as fishery groups and indigenous populations.

Beyond these issues, Sea Grant provides for the desperately needed training of scientists and managers. It is working successfully with a number of public agencies to address the environmental education of our youth and citizenry, the talents of which have been recognized already by the National Science Foundation and the Environmental Protection Agency. In 1990 alone, a total of 453 graduate students received training because of Sea Grant.

To meet the challenges faced by the Nation's coastal and Great Lakes resources, Sea Grant must continue its role of supporting relevant research and transferring the results to coastal and marine businesses, the public, and government decisionmakers. A 5-year reauthorization of this program will allow its interactive approach to using and protecting marine resources to continue across the country, in 29 coastal States, Puerto Rico and throughout the Pacific Island network. Thus, I urge my colleagues to support the passage of this bill.

Mr. PACKWOOD. Mr. President, this bill authorizes appropriations for the National Sea Grant Program for the next 5 years. The program provides grants that support numerous academic and research programs. These grants improve the management of our marine resources by bringing industry, academia, and State and Federal governments together for the wise use of our ocean and coastal zones.

In my State, in addition to Oregon State University, there are programs at the University of Oregon, Lewis and Clark College, Oregon Health Sciences University, and Portland State University.

Several satellite facilities and the ocean vessel *Wecoma*, berthed at Newport, are also involved as is the Oregon State University seafood laboratory in Astoria, the Marine Science Center in Newport, and the Oregon Institute of Marine Biology in Charleston.

Sea Grant programs are supported by matching Federal and State grants. In Oregon, the program is supported by a 2-to-1 State funding ratio. In light of the present constraints on State budgets, this, I believe, shows the commitment of the people of Oregon to the Sea Grant Program.

Recent successes of the Sea Grant Program in Oregon include:

The patenting of vaccines against viruses that attack salmon, which are showing marked success;

Promising medical research that shows that eating seafood is good for your heart;

Research in marine pharmaceuticals, a largely untapped source of new drugs needed to treat a wide variety of diseases not now treatable by conventional therapies, such as cancer and AIDS.

Additionally, our coastal communities have been helped with the revitalization of their waterfronts, stimulating new economies based on tourism and retirement while preserving the natural qualities of the marine environment.

Mr. President, I ask for my colleagues' support for the National Sea Grant Program so that we can continue this successful partnership between Government, our universities, and the marine resources industry.

Mr. PELL. Mr. President, I urge approval by the Senate of S. 1563, legislation to extend the life of the National Sea Grant College Program.

The National Sea Grant College Program was created by legislation which Congressman ROGERS and I introduced 26 years ago, and which was enacted 25 years ago. The program provides 2-to-1 Federal matching grants to colleges, universities and other institutions for marine applied research, education and field extension services.

Despite limited funding, especially through the past decade, the program has played a very major role in developing scientific capabilities at the State and regional levels to support expanded and wiser use of marine resources.

Through the Sea Grant College Program we have today a national network of Sea Grant College Programs at colleges, universities and other nonprofit institutions directly serving 30 coastal and Great Lakes States as well helping to achieve important national objectives.

The Sea Grant College Program has proven itself to be a wise investment of taxpayers' money. Because the program focuses on applied research and on the application of research findings and technology to real problems and real opportunities in the use of the marine environment and marine resources, it produces a real and measureable return in increased efficiency, and greater productivity. A study conducted for the year 1987 showed that the Sea Grant Program produced a positive economic impact of $842 million in that year. This is a great return on a Federal Government investment of about $40 million a year in the Sea Grant Program.

Mr. President, I am proud to say the State of Rhode Island has played a central role in the establishment and success of the National Sea Grant College Program. I conducted the first hearing on proposed Sea Grant legislation at the University of Rhode Island in 1965. Among those who was most helpful in putting forward and developing the concepts on which the program was based was my good friend, John Knauss, who served at that time as dean of the graduate school of oceanography at the university. And I am pleased that John is serving today as Administrator of the National Oceanic and Atmospheric Administration.

In addition, the first director of the Sea Grant College Program was Robert Abel, a native of Rhode Island, who did a superb job in guiding the development of the program in its first decade.

If we did not have the Sea Grant College Program today, we would have to invent it quickly to meet our national, regional and State needs in marine resource protection and development.

Regrettably, the Sea Grant College Program was hobbled during the 1980's by the repeated insistence of the Reagan administration that the program be terminated. Congress, year after year, rejected the termination proposals, but budget constraints resulting the 1980's fiscal policies have resulted in level-funding of the Sea Grant Program for many years.

We are still confronted by severe budget constraints, and the proposed new authorization provides only for modest increases in funding that will at least allow an avoidance of further erosion of the program through inflation.

The National Sea Grant College Program has been immensely successful in assisting in the protection and development of our Nation's marine resources through the past 25 years. I look forward to speedy action on this authorization that will permit a continuation of this outstanding program.

Mr. KERRY. Mr. President, I rise today in support of the passage of S. 1563 a bill I introduced earlier this year, to reauthorize the National Sea Grant Program, a university-based research, education and advisory program designed to help participants understand, conserve and enhance the Nation's ocean and coastal resources.

The Sea Grant Program was established in 1966 as a counterpoint to Land Grant. Sea Grant provides funds for research, education, training, and advisory services or technology transfer in the marine field. The requirement for matching, non-Federal funds assures that Sea Grant is an inclusive program involving not only Federal funds and interests, but also those of State and local governments, industry, foundations and the participating universities.

Our ocean and coastal environment is subjected to increasing pressures from burgeoning population growth, increasing fishing and aquaculture pressure, greater recreational utilization, increasing international commerce carried in ships, escalating demands for energy exploration and transportation. Recognizing the complexity of the issues and the need to harness the intellectual resources of our Nation's universities, Congress, over the years has supported the National Sea Grant College Program.

Sea Grant now involves institutions in 30 coastal and Great Lakes States that in turn draw on faculty and students in almost 300 institutions of higher education with a commitment to "wise utilization of marine resources". By fostering collaboration among universities, State and local agencies involved in marine issues, fishermen and other users of our marine resources, and environmentalists, Sea Grant has become a leading national environmental marine resource. It has developed an expertise in coastal water quality and management, coastal ecology, ocean and coastal engineering, aquaculture, marine biotechnology, seafood and marine products, marine policy, fisheries technology and fisheries biology, and coastal resources economics.

Specifically in my own State of Massachusetts, the Sea Grant Program is based at two fine institutions, the Massachusetts Institute of Technology [MIT] and Woods Hole Oceanographic Institution. In addition, the two Sea Grant institutions work closely with the Massachusetts Maritime Academy [MMA]. Recently the three have helped create an education program for commercial and recreational fishermen that offers over 100 1- and 2-day programs each year in navigation, maintenance, new technologies, and safety at sea.

A special fisheries option at MMA offers new employment opportunity for graduates of MMA and brings a new level of technology and safety to our New England fishing fleet. A Sea Grant sponsored workshop at MMA this year addressed oil spill pollution planning with residents of Cape Cod and relevant State, Federal, and local officials.

Another innovation in Massachusetts occurred when Sea Grant in Massachusetts initiated the Mass Bay Marine Studies Consortium, an association of 20 smaller colleges and universities offering college credit marine courses and arranging public fora on marine research and policy in New England.

Sea Grant research is often directed at today's problems. For example, both MIT and Woods Hole Oceanographic Institution scientists have helped and are continuing to help to forecast the effects of the new pollution control measure for Boston Harbor and Massachusetts Bay. They are able to do so on a timely basis because basic Sea Grant research on computer simulation of water circulation was carried out a decade ago. Thus, Sea Grant research can be basic or applied, and may be directed at tomorrow's problems or today's.

Despite the accomplishments and obvious benefits of this important program, the level of support for Sea Grant has dwindled over the past decade. In terms of real dollars, the program reached a funding peak in 1978 and declined by 34 percent by 1989. Last year, Congress provided some modest gains so that the program could at least keep pace with inflation.

Mr. President, the bill we will pass today reauthorizes the National Sea Grant Program through 1995 and provides for modest increases in funding. This program is a very important element in our efforts to protect our environmental security, train young scientists and maintain our technological and economic competitiveness. I urge my colleagues to support this bill and this program.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sea Grant College Program Authorization Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than section 211, an amount—

"(1) for fiscal year 1991, not to exceed $45,000,000;

"(2) for fiscal year 1992, not to exceed $47,700,000;

"(3) for fiscal year 1993, not to exceed $50,562,000;

"(4) for fiscal year 1994, not to exceed $53,596,000; and

"(5) for fiscal year 1995, not to exceed $56,811,000.".

STRATEGIC MARINE RESEARCH PROGRAM

SEC. 3. (a) REPEAL.—Section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125) is repealed.

(b) CONFORMING AMENDMENTS.—(1) The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(A) in section 204(c)(3) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(B) in section 205(b)(3) by striking "or section 206";

(C) in section 208(c)(5) by inserting "and" immediately after the semicolon;

(D) by striking paragraph (6) of section 208(c) and redesignating paragraph (7) as paragraph (6);

(E) in section 209(b)(1) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(F) in section 209(c)(1) by striking "or 206"; and

(G) in section 212(b) by striking "section 206 and".

(2) Section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) is amended to read as follows:

"(A) $3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and".

Mr. MITCHELL. 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.

THE DECENNIAL CENSUS IMPROVEMENT ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3280, the Decennial Census Improvement Act of 1991, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3280) 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.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NOS. 1251–1252

Mr. MITCHELL. On behalf of Senators KOHL and RUDMAN, I send to the desk two technical amendments and ask that the amendments be considered and agreed to en bloc, and the motion to reconsider these amendments be laid upon the table en bloc.

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

The amendments (No. 1251 and No. 1252) are as follows:

AMENDMENT NO. 1251

In that part of the text of the bill designated as section 2(a) line 6, insert after "of this Act," the following, "and subject to the availability of appropriations,"

Mr. KOHL. Mr. President, I rise in support of H.R. 3280, the Decennial Improvement Act of 1991, which was unanimously passed in the House earlier this week.

This legislation provides for a broad-based 3-year study by the National Academy of Sciences on ways to improve the accuracy of the census.

The legislation requires the Department of Commerce to enter into a contract with the Academy within 30 days of enactment. The Academy will issue an interim report within 18 months and a final report within 3 years to the Congress and the Commerce Department.

The Academy will review 1990 census methodology and will explore alternative methods of counting people. It will recommend ways to make the census more accurate for all Americans at all geographic levels.

The funding for this study will come from discretionary accounts available to the Secretary of Commerce, subject to the availability of a fiscal year 1992 appropriation. The Academy estimates that the study will cost $1.4 million. That funding was set-aside in the House-passed version of the fiscal year 1992 Commerce, Justice, State, and Judiciary Appropriations bill.

The Academy may suggest that the Census Bureau resort to shorter forms, in which case it will recommend alternative ways to collect population characteristic and housing data. The report may suggest that the Bureau rely more heavily on sampling techniques and discard its traditional head count methodology.

Whatever the Academy recommends, we can be certain that we will have finally taken strides to guarantee that all Americans are included in the 2000 census.

Although it seems early, planning for the 2000 census is already under way. The failure of the 1990 census, the first census in history to be less accurate than the census before it, was basically a failure of planning.

It is more difficult than ever to count our diverse population and in order to ensure a successful effort we must be bold in our preparation. This study will place us on the path toward census accuracy and fairness and move us away from the bitter battles that follow each census over those who have not been counted.

From the time of George Washington our Nation has been plagued by census undercounts. I believe this study places us one step closer to the full representation our democratic form of government requires. When Americans go uncounted, they also go unfunded and unrepresented. It is time to bring these citizens into the fold of our government. The way to do this is to ensure that they are counted in the census.

I would like to thank Senator RUDMAN for his assistance and hard work on this issue. I would also like to commend Congressmen SAWYER and RIDGE for the leadership they have shown in the fight for census accuracy.

I urge my colleagues to support this legislation in order to guarantee that the 2000 census is the most accurate in history and the first census in which all Americans are counted.

AMENDMENT NO. 1252

In that part of the text of the bill designated as section 2(b)(1)(C), strike out "refinement of population data; and" and insert in lieu thereof "refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and".

Mr. RUDMAN. Mr. President, I rise today to explain briefly the reasons behind my amendment to H.R. 3280, the bill to provide for a study of census issues by the National Academy of Sciences. First, however, I would like to commend my friend from Wisconsin, Senator KOHL, for his expeditious treatment of this legislation. As the chairman and ranking member of the Governmental Affairs Subcommittee on Government Information and Regulation, he and I both share a commitment to ensuring that the country has the most accurate census count possible, and we are anxious to review the findings that this bill will provide.

My amendment, Mr. President, is a simple one—it modifies the language of H.R. 3280 to stress the importance of maintaining census accuracy not only on the national or regional level, but also for smaller segments of the population. The decennial census is currently taken by a nationwide headcount—people respond to mailed census forms, and professional enumerators canvass the country to tabulate those who did not respond or were otherwise omitted. According to the Census Bureau, this method resulted in 98 percent accuracy in 1990, a remarkable achievement by any standard.

Nevertheless, it is important to remember that anything less than 100 percent accuracy means that individuals are not being counted, underscoring the need for further improvements. Some have recommended replacing or refining the census enumeration with estimates based on population sampling, and this issue has become quite controversial. In fact, litigation is now pending which is designed to require the use of the Census Bureau's own sampling estimate, the postenumeration survey, for official enumeration purposes.

Mr. President, it is not my intention to argue the merits of either position in this controversy. Sampling techniques, especially with today's advanced methods, are a vital tool in the statistical analysis of our country. However, such methods have their limitations as well; the postenumeration survey, for example, is widely regarded to provide a better estimate of the total national population, but is less accurate when applied to smaller segments of the population, such as districts, towns, and precincts. Given the controversy surrounding this issue and the importance of achieving an accurate count, I believe it is appropriate for the National Academy of Sciences to include this aspect within their review, as my amendment requires.

Mr. President, our forefathers recognized the importance of maintaining a regular count of the country's population when the mission of the Census Bureau was embodied in the Constitution. Since then, the decades have been marked by this tremendous undertaking, and it is not too early to look ahead to the census for the year 2000. Any avenues which may lead toward obtaining a more accurate census count should be explored, and this bill is an important vehicle for that goal. My amendment is consistent with this goal, and I urge its adoption by the Senate.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 3280), as amended, was passed.

Mr. MITCHELL. 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.

CRIMINAL JURISDICTION OVER INDIANS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1773

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1773) entitled "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," do pass with the following amendments:

Page 2, line 5, strike out ["October 31, 1991"], and insert "October 18, 1991".

Amend the title so as to read: "An Act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.".

Mr. MITCHELL. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

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.

NATIONAL FIREFIGHTERS DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 189, designating "National Firefighters Day," just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 189), designating October 8, 1991, as "National Firefighters Day."

Mr. MITCHELL. Mr. President, I ask unanimous consent that the joint resolution be deemed read a third time and passed, that the motion to reconsider be laid upon the table, that the preamble be agreed to, and that any statements appear at an appropriate place in the RECORD.

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

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 2608 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

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 this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 1, 1991.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the conference report be temporarily laid aside, that the Senate concur in the amendments to the House to the amendments of the Senate, en bloc, that the Senate recede on amendment No. 1167, and that the motion to reconsider the votes be laid upon the table.

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

The amendments are as follows:

Resolved, That the House agree 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 (H.R. 2608) entitled "An Act 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.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert "$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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert "$499,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the stricken matter by said amendment, insert "$13,000,000 of the funds made available in fiscal year 1992 under chapter A of subpart 2 of part E of title I 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 I of said Act for Correctional Options Grants; (c)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert ": *Provided*, That $25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be provided to the Arkansas State Police for high priority drug investigations: *Provided further*, That funds made available 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, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken by said amendment, insert:

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).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$13,500,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein 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 "$13,500,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the phrase "within the State of South Carolina" proposed in said amendment, insert "on the campus of the University of South Carolina" and, in lieu of the sum "$728,259,000" named in said amendment, insert "$720,737,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount proposed by said amendment, insert "$57,221,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "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.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "; 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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum "$740,667,000" proposed in said amendment, insert "$716,653,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount proposed in said amendment, insert "$938,241,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert "; 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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount proposed in said amendment, insert "$1,598,920,000.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert:

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 assistance 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 correc-

tional 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.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$13,500,000."

Resolved, That the house recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert ", but that any fees received in excess of $13,500,000 shall not be available until fiscal year 1993: Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements;".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 77 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$207,160,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ", 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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$40,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$15,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert "$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"."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$2,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum "$565,000," insert "$800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 105 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$190,621,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$81,048,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 109 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$17,795,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

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.

Resolved, that the House recede from its disagreement to the amendment of the Senate numbered 112 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$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*,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$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 Hampshire Department of Resources and 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 Applachian 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 if for a grant to County of Rio Arriba, New Mexico for the development of the Cumbres and Toltec Scenic Railroad rural economic development project; and of which $500,000 shall be available for a demonstration program to assist small businesses in complying with the Clean Air Act".

Resolved, That the House receded from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matters inserted by said amendment, insert ": *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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert "$2,015,335,000, 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".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 140 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$545,000,000, of which $100,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 152 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter by said amendment, insert:

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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 153 to the aforesaid bill, and concur therein with an amendment as follows:

Delete all after "employee", and insert "for the purpose of enabling that employee to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passports or other documents reflect that that person has visited Israel.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 155 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$44,527,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 162 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$194,232,000"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 165 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "*Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, 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 the 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 no compensation for personal services".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 171 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$27,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 173 to the aforesaid bill, and concur therein with the following amendments:

In lieu of the "$9.79" in subparagraph (1) of said amendment, insert "$9.76".

In lieu of the term "9 cents" in subparagraph 1 of said amendment, insert "8 cents".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 175 to the aforesaid bill, and concur therein with the following amendments:

In lieu of the section number named in said amendment, insert "608".

After the word "prohibition" in new Sec. 608(a), insert "in the national interest or"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 176 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

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, 1992."

(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 online 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 and private 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 encouragd 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 ths 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:

"(m) 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 mocroloan demonstration program to be administered by the Small Business Administration—

"(i) to make loans to eligible to 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, with or 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 its 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 demonstration 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 subjection 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 which 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 so 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 subparagraph (B)(i) of paragraph (1) for working capital and the acquisition of materials, supplies, furniture, fixtures, and equipment.

"(B) PORTFOLIO REQUIREMENTS.—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 no 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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 178 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "610".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 179 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 180 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

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.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 116 to the aforesaid bill.

Mr. HOLLINGS. Mr. President, I am pleased to present the conference agreement on the fiscal year 1992 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill.

I have Chaired this subcommittee and managed this bill for 14 years, and I believe this may be the toughest bill we have had to fashion. The demands on this bill—have continued to grow—for law enforcement, the courts, NOAA, economic development, and regulatory agencies like the SEC and FFC. And yet under this budget agreement—which I opposed—the resources are shrinking for these high priority domestic discretionary programs.

Mr. President, under our new 602(b) allocation we were required to come out of conference with an agreement that is $140 million in outlays below the Senate bill which was passed on July 31. That was clearly not my desire—nor, I am sure was it Chairman BYRD's. But, the House insisted on reallocating these funds to other appropriations bills.

I also should note that the House and Senate conferees did not respond to this challenge by gimmicks and user fees. This agreement does not raise Federal Communications Commission [FCC] user fees as proposed by the administration. That is—fees on ham radio operators, public safety organizations and boaters. No, Mr. President, we have not done so. The House wanted us to follow the "read my lips" President's lead. I must admit, it would have made our task easier by allowing us to fund additional programs. But, we did not do so.

What is remarkable about this conference agreement is what we have been able to do within such a constrained budget. We have made hard decisions and set priorities. And I will briefly touch on a few of the highlights:

For the Department of Commerce:

We have provided $228 million to fix the Geostationary Weather Satellite [GOES] Program. That is $80 million above the President's budget. This includes funds for gap-filler satellites and equipment to maintain coverage of hurricanes and severe weather.

The sum of $107 million is included to fully fund the Nexrad Doppler Weather Radar Program to detect tornadoes and protect lives. This fully funds the recent agreement between Unisys and the Commerce Department.

The sum of $33.2 million is included to begin rebuilding the NOAA research and mapping fleet which has been neglected for far too long. No funding was included in the President's budget or the House allowance.

The sum of $242 million is provided for NOAA fisheries programs, which is $62 million more than the President's budget request.

The sum of $246.7 million is included for the National Institute for Standards and Technology [NIST] extramural and intramural research, an increase of almost 15 percent over last year.

The sum of $11.3 million is provided for textile research, to ensure competitiveness for this vital American industry.

The sum of $226.8 million, as proposed by the Senate, is provided for Economic Development Administration grants and planning support. The President's budget and the House allowance provided nothing for EDA programs.

For the Justice Department:

Overall Justice Department funding increases by $834.5 million—more than 9 percent over last year.

The FBI increases by $233.5 million or 13 percent, including funds for field programs, financial institution fraud and the automated fingerprint identification system.

The Drug Enforcement Administration [DEA] increases by $22.3 million. In addition, $3.5 million is included under the attorney general to begin architectural and engineering activities for a new drug training facility at the FBI Academy at Quantico, VA.

The Immigration and Naturalization Service funding increases by $40.6 million with increases for land border inspectors, detection and deportation, and Border Patrol agents.

The prison salaries and expenses account increases by $103.4 million reflecting activation of prisons constructed during the last decade. Prison construction has received an appropriation of $452 million for construction of additional correctional facilities.

The State and local drug grant program receives $499.5 million. The agreement includes $50 million for the discretionary grant program, $423 million for the formula grant program and $22 million for the "NCIC 2000" program to upgrade the nationwide information base to assist local law enforcement officials in apprehending wanted criminals, finding missing persons, and recovering stolen property.

Language has been added to permit State Governor's to use their formula grant funding to support State litigation of Federal habeas corpus capital cases.

Juvenile justice delinquency prevention receives $76 million and the U.S. Trustees Program is fully funded at $81.2 million through a combination of appropriations and bankruptcy filing fees.

For the judiciary:

Overall funding increases by $304.2 million or 14 percent above last year.

Death penalty resource centers are funded at last year's level of $11 million.

Bill language has been added to enable justices and judges to receive the pay raise COLA adjustment already agreed to.

The court of appeals, district courts, and other judicial services increases by $291.3 million, including $4 million for savings and loan caseload.

For the State Department:

The sum of $100 million is included for a new secure Embassy in Moscow and $30 million for new Embassies in the Baltics and consulates in the emerging Soviet Republics. I am pleased to note that after so many years, the House and Senate Appropriations Committees have been able to reach an agreement on the Moscow Embassy issue.

The conferees adopted an initiative proposed by the Senate and have terminated the Department of State Telecommunications Network [DOSTN] Program. Since the Senate bill passed in July, a high-level panel of experts were convened by the Senate Intelligence Committee, and they confirmed our position, that overseas telecommunications should be planned and programmed on a government-wide basis to reduce duplication and waste.

The sum of $794 million for USIA salaries and expenses, exchanges, and radio construction. We would like to have done more, and would urge both the administration and the authorization committee to assign a higher priority to this essential foreign affairs agency.

USIA academic exchange programs are provided $194.2 million and we have restored the Fulbright program cuts proposed by the President's budget and the House.

The sum of $277 million is provided for radio and TV Marti, Radio Free Europe and Liberty and the National Endowment for Democracy to get our free information to emerging democracies across the world and to specifically get free information to Cuba to help our neighbors free themselves from Fidel Castro's regime.

Bill language takes strong action against the Arab League boycott of Israel. This boycott is repugnant. The State Department must take an active stand to ensure that discrimination against individuals because of their religion is no longer tolerated.

CONCLUSION/ACKNOWLEDGMENTS

Mr. President, this is a good agreement. It is a bill that adheres to the stringent allocation in the Budget Enforcement Act for domestic programs. And it is a bill that wisely allocates the international and defense funds under the subcommittee's allocation.

Before concluding I would like to thank my vice chairman, Senator RUDMAN and our ranking member on the full committee, Senator MARK HATFIELD, who has been willing to help manage the bill through the legislative process this year.

I would also like to thank our staff who have worked so hard on this bill and this conference agreement. Our minority staff—John Shank, Rachel Sotsky and Mary Tenenbaum. And my own staff—Liz Blevins, Dorothy Seder and our subcommittee clerk Scott Gudes.

Mr. President, this is a good agreement. It is not perfect—no negotiated agreement ever is—but it presents a good bill that funds priority law enforcement and life/safety programs.

I urge its adoption.

Mr. RUDMAN. Mr. President, I join the Senator from South Carolina in recommending that the Senate adopt the recommendations of the conference committee on fiscal year 1992 appropriations for the Commerce-Justice-State Subcommittee.

After this appropriations bill passed the Senate, the subcommittee was given a new section 602(b) allocation which reduced domestic discretionary outlays by $140 million. This required a number of reductions in conference from levels approved by the Senate. Even with these reductions, we've produced an agreement that reflects the priorities of our colleagues in the Senate as well as the priorities of the administration.

Our primary goal was to protect the public safety, whether in the administration and adjudication of justice or in the maintenance and improvement of the ability of the National Weather Service to detect and predict severe weather. This priority is reflected in the recommendations for the Justice Department, the Federal Judiciary, and the Commerce Department.

The Justice Department will receive an increase of $835 million over the 1991 level, or 9.8 percent, under the conference agreement. In addition, the agreement reflects adoption of the Senate amendment to make permanent the 75-25 cost sharing ratio between the Federal Government and the States under the State and local drug grant program. In addition, the 4-year limit on the use of State and local drug grants for multijurisdictional drug task forces is permanently waived. This is particularly important for States such as New Hampshire which have successfully established drug task forces through the use of Federal grant funds.

I would also like to commend several of my colleagues for their continuing interest in, and support of, various Justice Department agencies and programs. Senator GRAMM has been a strong supporter of funding for the Drug Enforcement Administration and the Federal Bureau of Investigation. Although I am sure he shares my disappointment that we could not provide higher funding for these agencies, I know they appreciate his efforts on their behalf. In addition, Senator KASTEN has been a strong supporter of these programs, and was instrumental in the agreement to provide an increase of $500,000 for the Drug Abuse Resistance Program [DARE]. Both these Senators, as well as Senators HATFIELD and STEVENS, were extremely supportive of efforts to ensure that the needs of State and local law enforcement agencies were addressed.

The Federal Judiciary will receive an increase of $305 million, or 14.9 percent, over the 1991 level. In percentage terms, these is a very large increase, but it reflects the pressures being placed on the Judiciary by the increase in drug litigation activity.

Within the Department of Commerce, the conferees accepted the Senate recommendation that $110 million be provided for a satellite contingency fund to allow the administration to purchase a spare weather satellite. The new weather satellites being built for the National Oceanic and Atmospheric Administration by NASA and the Loral Corp. are far behind schedule and considerably over budget. There is the real possibility this Nation could face the loss of the single geostationary weather satellite now in operation and not have a new satellite ready for launch. The contingency fund is designed to allow NOAA to buy an off-the-shelf satellite if it becomes necessary to protect the public health and safety.

I would also like to clarify the funding for a new supercomputer for the National Meteorological Center. The $9 million shall be available only for the acquisition of a class VII supercomputer. Any shortfall in funding to cover the costs for maintaining the current class VII supercomputer shall not be taken from the $9 million appropriation. If there is a shortfall in funding, the Weather Service should secure additional funding from base or from slippages in other procurements.

The Commerce-Justice-State Subcommittee has been concerned for many years that this Nation could face a gap in geostationary weather satellite coverage. Senator HOLLINGS and I asked the General Accounting Office to look at this situation in 1989, and they reported that the program was far behind schedule and over budget. Unfortunately it is only recently that the administration choose to take concrete steps to address this situation. While the Office of Management and Budget did not request the contingency fund, we believe every reasonable step should be taken to protect the public health and safety.

I would like to thank the chairman, Senator HOLLINGS, for his leadership and cooperation in producing this conference agreement. We faced a very difficult job in conference, and it is a tribute to his skills as a negotiator that the final product provides important increases for the priorities established by the Senate. I would also like to acknowledge the majority staff of the subcommittee, Scott Gudes, Dorothy Seder, and Elizabeth Blevins. This was Scott Gudes' first year as majority clerk, and he did a splended job of pro-

tecting the interests of all the members of the Appropriations Committee—both Democrats and Republicans.

Once again I would like to express my support for this conference agreement and urge its adoption.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I understand that the conference report on the Commerce, Justice, State appropriations bill for fiscal year 1992 authorizes and provides funding for the Small Business Economic Opportunity Enhancement Act of 1991. I compliment the gentleman, who is the chairman of the Committee on Small Business, on sponsoring this important legislation which will provide credit and technical assistance to very small businesses and sole proprietorships.

I note that the conference report lists a number of States in which there are strong existing microprograms. In discussions with my colleagues it has come to my attention that there are a number of other States which have strong programs. These include: Arizona, Missouri, Vermont, Mississippi, Alaska, Indiana, and California.

Would the Senator agree that qualified organizations in these States should be among the first to be funded?

Mr. BUMPERS. I agree with the distinguished Senator that there are other strong programs and that the Small Business Administration should make every effort to include qualified organizations from the States cited.

Mr. DOMENICI. Mr. President, I rise to speak in support of H.R. 2608, the Commerce, Justice, State and the Judiciary Appropriations Bill for fiscal year 1992, as reported by the committee of conference.

This bill provides new budget authority of $21.4 billion and new outlays of $16.0 billion to finance the Departments of Commerce, Justice, State, the Judiciary, the U.S. Information Agency, the Small Business Administration, the Legal Services Corporation, the Maritime Administration and 24 other independent agencies and commissions.

I congratulate the distinguished chairman and ranking member for reporting a bill that is within the Senate Subcommittee's section 602(b) allocation and the spending caps established under the Budget Enforcement Act.

While this bill does not provide for Department of Justice and law enforcement activities at the levels recommended by the President, it will provide some of the urgently needed increases.

Increases in law enforcement have been a top priority of this administration. This bill demonstrates the continuing trend of support that Congress has shown in recent years for justice activities and law enforcement.

This bill dedicates $3.7 million for the support and improvement of the economic statistics initiative, a program of critical importance in the development of accurate economic assumptions contributing to sound policy judgments.

Mr. President, high-quality statistics are fundamental to assessing economic performance and formulating good fiscal policy. These funds are particularly important, as they target our basic national income and products accounts, international statistics and the service sector.

I am pleased to note the approval of $1.98 million for the Department of Justice to allow the establishment of the administrative machinery to process claims that will be filed under the radiation exposure compensation act of 1990 (Public Law 101-426).

This act authorizes the payment of claims filed by persons against the Government for health effects associated with radiation fall-out from open-air nuclear testing and radiation mining during the 1950's through 1970's in the southwest. Funding to pay claims that might be filed are being sought in the defense appropriations bill.

This conference report also includes necessary funding for the National Commission on Agricultural Workers, established in the 1986 Immigration Reform and Control Act.

Mr. President, the work of this commission is vital to addressing serious and ongoing crisis in the availability of a sufficient agriculture labor force.

New Mexico Farmers have had an increasingly difficult time getting sufficient workers to harvest the annual chile crop, New Mexico's largest agricultural crop, since the enactment of the 1986 immigration reform bill.

Approval of funding for the National Commission on Agricultural Workers will adequately support the Commission's congressional mandate, allowing a thorough assessment of the agricultural labor situation in New Mexico and other States.

Finally, I thank the distinguished managers of the bill for their support for important economic development activities in northern New Mexico.

Mr. President, I urge adoption of the conference report.

Mr. LAUTENBERG. Mr. President, I rise in support of Senate amendment numbered 153, as amended by the House. The amendment, which is authored, the Anti-Boycott Passport Act, is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department and American citizens traveling in the Middle East from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport had an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new Diplomatic passport and rendering my old Diplomatic passport usable only for travel to Israel. That the Saudis wouldn't take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israeli and stigmatizes our friend and ally Israel by issuing "Israel only" passports.

It is not only Saudi Arabia and Kuwait that reject American passports if they have an Israel entrance stamp. The State Department has compiled a list of various countries' passport restrictions. According to the State Department's list, the following Arab League countries will not take a passport with an Israeli entrance stamp or marking: Algeria, Bahrain, Jordan, Kuwait, Oman, Saudi Arabia, Sudan, Syria, United Arab Emirates, and Yemen.

The provision in this appropriations bill seeks to reverse these passport policies and to prevent the State Department and American citizens from acquiescing. It would prohibit the State Department from spending funds for "Israel only" passports. It would also prohibit the State Department from spending funds on duplicate official or diplomatic passports for U.S. Government employees, official or diplomatic passports for U.S. Government employees, officials, and diplomats to acquiesce in or comply with the Arab League passport policy.

The provision in this bill is in line with the bill I introduced, S. 845, which was included in the version of the State Department authorization bill that the Senate approved. Representatives BERMAN and SNOWE, chairman and ranking minority member of the House International Operations Subcommittee of the Foreign Affairs Committee, introduced an identical bill in the House of Representatives. A hearing was held on June 13. Former State Department Legal Adviser Sofaer testified in support of this bill.

During the conference on the State Department authorization bill, the House receded to the Senate on this provision with some minor modifications. However, the outlook for the State Department authorization bill remains unclear. I hope that the conference report will be filed soon, and that it will be signed into law by the President. But there are no guarantees. Some difficult issues remain unresolved.

To ensure that the State Department implements the Anti-Boycott Passport Act, the provision withholding funds for so-called "Israel only" passports and for duplicate passports for diplomats, officials, and Government employees needed to remain in the appropriations bill. It is entirely consistent

with the provision the conferees on the State Department authorization have agreed to include in their final version of the bill.

The authorization bill would require Secretary Baker to negotiate with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials and employees of the United States Government to enable them to acquiesce in the Arab League passport policy which boycotts Israel. The prohibition on duplicate diplomatic official passports for Government employees, diplomats, and officials would kick in within 60 days if the required negotiations have not begun, or if the Secretary of State does not submit the required report on prospects for successful negotiations to the Congress.

The authorization bill would prohibit the State Department from issuing so-called Israel only passports. So, for example, if the Saudis want to persist in their policy, United States travelers would be issued Saudi only passports by the State Department, and Saudi Arabia would suffer the stigma and isolation United States policies currently impose on Israel. The State Department could and should do that now.

Mr. President, the provision in this appropriations bill closely mirrors the section on the Anti-Boycott Passport Act agreed to by the conferees on the State Department authorization bill. It has been modified by the House to address a specific concern raised by the State Department about certain couriers who travel between Arab countries and a very limited number of intelligence officials.

Mr. President, this legislation would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for U.S. nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an "Israel Only" passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries and not on Israel by issuing "Arab only" passports or "Saudi only passports, for example.

The provision would force the Arab League countries which the United States defended in the recent war to accept passports from United States officials, government employees, and diplomats even if they have visited Israel. They already should.

The provision in this bill would move the Arab League countries in the right direction, and would prevent the State Department from acquiescing in their policy which discriminates against Israel. Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. We should expect no less from our diplomats and officials. They too should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to U.S. citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should. But it doesn't want to. We must enact this legislation and put an end to this outrageous practice.

Mr. President, I want to thank the chairman and ranking member of the subcommittee, Senator HOLLINGS and Senator RUDMAN for the strong and consistent support for this provision. They played a critical role in ensuring that this provision remain part of this bill.

PALAU'S ELIGIBILITY FOR CZM SECTION 305 GRANTS

Mr. JOHNSTON. There is an item in this conference report on which I would like clarification. As chairman of the committee with jurisdiction over insular areas, I have been contacted by the Washington Representative of the Republic of Palau requesting clarification on the availability of funds for Coastal Zone Management Program development grants—the so-called section 305CZM grants. I understand that the Coastal Zone Management Act includes Palau as an eligible grant recipient under the definition of a "state" as the Trust Territory of the Pacific Islands. However, it is unclear whether the funds to be appropriated by this act would, in fact, be available to Palau for program development purposes.

Would the chairman please state whether the Republic of Palau is eligible to apply for a section 305 grant, and whether funds are available to Paulau under this act to develop a CZM program?

Mr. HOLLINGS. The answer is yes to both questions. I understand the chairman's concern and assure him that Palau is eligible to apply for a section 305 grant, and that section 305 funding is available to Palau under this bill in addition to the $600,000 provided in the conference agreement for Texas, Minnesota, and Ohio.

Mr. JOHNSTON. I thank the chairman for this clarification.

Mr. LAUTENBERG. Mr. President, I am pleased that conference agreement on H.R. 2608, the Commerce, Justice, State appropriations bill, provides strong support for NOAA's coastal and fisheries programs. These programs, including the coastal zone and sea grant programs, are of immense importance to New Jersey's coastal economy and the health of New Jersey's marine ecosystem.

At my request, H.R. 2608 includes funding for a number of programs. The bill provides $2 million to establish a new undersea research center to conduct research in the waters off New Jersey and Long Island. New Jersey's coastal ecosystems generate $8 billion to the economy and provide enjoyment to millions. Yet, these ecosystems have been subject to much abuse. Expanding research efforts in the waters off New Jersey and Long Island, which is a congressional designated marine research region, is one important step in our effort to maintain the health of our coastal waters. Until the new center is established, the Rutgers Institute of Marine and Coastal Sciences is to remain in the role of acting undersea center. The establishment of this center is not intended to effect the establishment of the regional marine research program provided for by the Marine Research Act enacted in 1990.

H.R. 2608 includes $150,000 to complete research being conducted by the New Jersey Marine Science Consortium to study the feasibility of recycling fishnets. Fishing gear presents a threat to marine resources if not disposed of on land. Yet, there are few alternatives to disposal other than landfilling. This results in a solid waste problem. According to a recent report on beach cleanups by the Center for Marine Conservation, 3,600 plastic fishing nets came up on New England beaches last year.

The bill also appropriates $250,000 to establish a marine mammal tissue bank and to expand the marine mammal stranding centers. The tissue bank will contain tissues from dead marine mammals which would be archived for future retrieval and study. The bank would assist scientists in trying to identify the causes of catastrophic marine mammal events such as the dolphin mortality which occurred off the east coast in 1987. NOAA also would develop protocols for the collection of marine mammal tissues.

Funding also would be used to strengthen the marine mammal stranding network authorized under the Marine Mammal Protection Act including the stranding center in Brigantine, NJ. This will improve NOAA's capability to identify the causes of catastrophic marine mammal events and improve NOAA's ability to coordinate stranding network efforts.

H.R. 2608 provides $750,000 for observers on east and gulf coast fishing vessels to collect and analyze data to manage highly migratory species. Last

year, the Congress passed the Fisheries Conservation Amendments of 1990, reauthorizing the Magnuson Fishery Conservation and Management Act [MFCMA]. That legislation gave the Secretary of Commerce authority over any highly migratory species fishery that is within the geographical area of authority of the five Regional Fishery Management Councils of the Atlantic Ocean. Section 304(f)(B) of the MFCMA as amended requires the Secretary to identify research and information priorities, including observer requirements and necessary data collection and analysis for the conservation and management of highly migratory species. The funding will provide statistically sufficient data for management of these stocks which are so important to fishermen in New Jersey and other east coast States.

I'm also pleased that the conference agreement rejects proposed administration cuts for the coastal zone management, sea grant and State fishery grant programs all of which are important to New Jersey. I opposed the administration's proposal.

Finally, I'm pleased that the conference agreement includes $110,000 for Rutgers to initiate a multispecies aquaculture center. These funds will be used for site selection, preliminary design and engineering. The center would facilitate the development of aquaculture in the Northeast.

Mr. President, on another matter, I want to highlight a provision that was included in the conference at my request that strongly encourages the Economic Development Administration to support a study into the feasibility of a conference center and international trade center in Newark, NJ. The Newark area now lacks adequate facilities for conventions and conferences, and there is considerable interest in the city in the development of such facilities. There is also real interest in an international trade center that could be connected to such facilities.

A convention center, and a related international trade center, could make a real difference for Newark and its residents. I hope the EDA will support the city's efforts to get such an initiative under way, and I am pleased that the conferees have expressed their strong support for a feasibility study of this initiative.

Finally, Mr. President, I want to point out that at my request this bill also includes $100,000 in SBA funds for the EXCEL Program in New Jersey. This management training and technical assistance program is for women who are starting a business or who wish to grow in their current businesses.

Women business owners now own more than one-third of the businesses in the United States, the fastest growing segment of the economy. However, traditionally they have not held the management positions, developed the business support networks or had the access to capital which would permit their businesses to prosper at the same rate as those started by men.

The New Jersey EXCEL Program will focus on training, technical assistance, access to capital, and information on government procurement. These are all areas which will benefit small business, but especially small businesses owned by women.

Mr. President, small business is the engine which drives our economy. With more and more women starting businesses, I believe that we must support training and assistance to the women-owned businesses which provide jobs and help to strengthen our economy.

I thank the subcommittee chairman, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN for their cooperation on these matters.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 102-62, appoints the following individuals to the National Education Commission on Time and Learning: Mr. Norman Higgins, Jr., of Maine; and Mrs. S. Marie Byers, of Maryland.

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

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

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2622 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 2, 1991.)

Mr. DECONCINI. Mr. President, I am pleased to bring before the Senate, the conference report accompanying H.R. 2622, the fiscal year 1992 appropriations bill for the Department of the Treasury, Postal Service, the Executive Office of the President, and certain independent agencies.

The funding recommendations contained in the conference report total $19.560 billion an almost identical amount to that included in the Senate-passed bill. The conference agreement is $345 million above the President's requested level but $1.6 billion below the fiscal year 1991 enacted level and $1.7 billion below the current services baseline level for programs and activities which receive funding under the bill. Finally, the conference report is $191 million above the House-passed bill and within the revised 602(b) allocations.

Mr. President, as I stated when I brought the bill to the Senate floor back in July, this has been an extremely difficult year to put together a spending bill for the Federal programs under the jurisdiction of the Treasury Subcommittee. The discretionary caps agreed to last year hampered our ability to sufficiently fund Federal programs to the levels required and going into conference, we were faced with a further reduction of $80 million in outlays from the Senate bill. Nonetheless, we have performed the job expected of us and, I think the conferees have done an excellent job of balancing the need to fund the highest of priorities while staying within the spending caps.

Mr. President, there are many important programs which receive funding under this bill. Programs like tax enforcement and revenue collection; drug interdiction and control; law enforcement training; firearms enforcement and compliance; civil service retirement and disability annuities; construction of Federal buildings and courthouses; and protection of the President. The conference agreement recognizes the increased requirements of these programs with the funding levels provided.

Briefly, I will go over some of the highlights of the conference agreement.

It contains $6.7 billion for the IRS. This level of funding will permit IRS to continue its efforts to modernize the tax systems to safeguard the long-term reliability of our Nation's largest revenue generating agency, while meeting adequate taxpayer service, returns

processing and tax law enforcement levels.

It contains $1.5 billion for the U.S. Customs Service to ensure the facilitation of merchandise processing; prevent against fraudulent entries; and enforce our Nation's drug laws.

It contains $298 million for Executive Office of the President agencies which includes $86 million for drug enforcement activities in the five designated high intensity drug trafficking areas.

It includes $548 million for construction of new Federal office buildings and courthouses to meet the ever expanding requirements of the judiciary throughout the country.

The agreement also contains mandatory funding of approximately $8.7 billion to cover health, retirement, and disability payments to our Nation's civil servants.

With reference to the payment to the postal service fund for the Revenue Forgone Program, the agreement includes $470 million along with a reform which was unanimously adopted by the Senate in July when H.R. 2622 was considered by this body. The conference agreement would phase-in over a 2-year period, the full implementation of the reform suggested by the Postal Rate Commission. Mr. President, I know there has been considerable controversy over the actions taken with respect to the Revenue Forgone Program. None of the conferees including myself, wanted to be in a position of having to reduce funding for the Revenue Forgone Program or to enact reforms. However, due to the funding constraints, we had some choices to make. We could either fund law enforcement; basic Government operations; tax collection; or provide the full amount required to maintain current subsidized postal rates for preferred mailers. While I know this entire body, with few exceptions, strongly support the laudable activities undertaken by nonprofit and other organizations which benefit from this subsidized program, this year, due to a number of factors beyond our control, we were unable to provide the full amount the Postal Service says it needs to maintain current rates. Just for the record, Mr. President, I want to point out to this body that the conference agreement is $287 million above the administration's requested funding level of $183 million for revenue foregone in fiscal year 1992. Due to the rate increase, which took effect in February, the Postal Service requested $649 million or an amount which is $176 million above the fiscal year 1991 level, $266 million less than the President's requested level, and $179 million more than the conference allowances.

So, what did we do? We agreed to a reform which will save taxpayers money without raising rates for most classes of preferred mail. We accomplished that by adopting the Senate's original proposal on flats with a 2-year phase-in period. It will not increase postal rates for any preferred mailers in fiscal year 1992 except for the third-class nonprofit organizations which choose to send so-called flat pieces of mail. The provision specifically prohibits the Postal Service from raising the rates for any preferred mailers, including rural newspapers, and instead instructs the Postmaster General to reconcile any funding shortfalls against future year appropriations requests. The Postal Service classifies a letter as any piece of mail not larger than 6⅛″ × 11½″ × ¼″, a basic letter-size envelope. A flat is any piece of mail larger than the letter-size envelope. Flats cannot be processed via Postal Service automated equipment. Flats must be either hand processed or processed by antiquated equipment. As a result, this creates an additional cost of 4.4 cents per piece. The reform embodied in the conference report attempts to lower processing and operating costs of the Postal Revenue Foregone Program by requiring those organizations that choose to use flats to pay for additional attributable processing costs and does not penalize any organizations which use letter-size mailings. It also furthers the Postal Service Board of Governors' initiative to properly attribute processing costs to each category of mail—flats versus letters. However, in order to give organizations who utilize flat mailings a chance to plan and adjust to the new rates, the conference agreement requires that this reform be phased in over a 2-year period. In fiscal year 1992, the Postal Service can only raise the rates for flat pieces of mail by one-half the difference in the subsidy for letter-shaped pieces, or an average of 2.2 cents. In fiscal year 1993, the reform will be fully implemented and the increase would be the full difference in the subsidy for letter-shaped pieces or an average of 4.4 cents per piece.

This provision will save $90 million in funding for the Revenue Forgone Program in fiscal year 1992. In fiscal year 1993, when it is fully implemented, it will save an estimated $180 million. Again, Mr. President, the provision prohibits the Postal Board of Governors from raising rates above those rates in effect on the date of enactment for all other classes of mail. It also instructs the Board of Governors to utilize the reconciliation method if there is a funding shortfall in fiscal year 1992. This places the matter back in the jurisdiction of the Appropriations Committee for future funding requirements. I think this is an equitable solution to the funding problems with respect to the Revenue Forgone Program and one that will benefit the efficiency goals of the Postal Service.

Mr. President, I want to speak to another provision in the conference agreement which occupied a great deal of the conferees time. That provision relates to the transmission of the HIV virus or AIDS. The conferees dropped the so-called Helms amendment and instead are recommending a modified version of the Senate leadership amendment on implementation of the Centers for Disease Control [CDC] guidelines. The new provision requires each State public health official to certify to the Secretary of Health and Human Services that CDC guidelines or their equivalent on the transmission of HIV or the hepatitis B virus have been instituted in the State. The provision requires all health professionals practicing within a State to comply with these guidelines and requires a disciplinary or other procedure to be in effect for failure to comply. States must comply with the CDC guidelines within 1 year or risk the loss of all public health service funds.

Mr. President, I believe the conference agreement we bring before this Chamber is a good one and one that I hope will receive the support it deserves from this body.

In closing, Mr. President, I want to express my thanks and appreciation to all of those who helped formulate this agreement. I particularly want to recognize the contributions of my ranking member, Senator DOMENICI and his very professional staff, Rebecca Davies. In addition, I want to express my appreciation to the House chairman, Mr. ED ROYBAL and his very able staff, Mr. Bill Smith. Without the very close collaborative efforts of these individuals, we would not be bringing before this body the excellent bill we are today.

I also want to thank the chairman and staff of the Postal Rate Commission. Chairman Haley, Bob Cohen, David Stover, and Jerry Cerasale labored long and hard to help us formulate a reform to the Revenue Forgone Program which is fair and responsible. They worked long hours to help us while in the midst of rate cases and I want the record to show the appreciation of my panel to this very professional and dedicated organization.

Last, I want to thank Shannon Brown and John Shay of the subcommittee staff. Their long hours and efforts are sincerely appreciated.

Mr. President, I urge adoption of the conference report.

Mr. DOMENICI. Mr. President, we present for the Senate's approval today the conference report on H.R. 2622, the Fiscal Year 1992 Treasury, Postal Service, and General Government Appropriations Act.

This conference agreement provides total appropriations of $19.882 billion for fiscal year 1992. This includes $9.623 billion for the U.S. Department of Treasury; $298 million for the Executive Office of the President; $511 million in payments to the U.S. Postal Service; $8.717 billion for the Office of Personnel Management; $467 million

for the General Services Administration, as well as authority for GSA to obligate $4.153 billion in Federal buildings fund revenues; and a total of approximately $266 million for 11 other rated independent agencies.

Including congressional budget scorekeeping adjustments and prior-year spending actions, the total nondefense discretionary spending recommended by this conference agreement is $10.824 billion in budget authority and $11.119 billion in outlays. These levels are within the fiscal year 1992 discretionary spending limitations established for this conference agreement.

The revenue forgone payment to the Postal Service has been one of the more controversial items in this bill this year. We entered conference with a $266 million spread between the House and Senate-recommended levels for this payment. I believe we reached a fair compromise. The conference agreement provides an appropriation of $470 million, instead of $649 million as proposed by the House and $383 million as proposed by the Senate. It also includes the reform in the mail subsidy program adopted unanimously by the Senate. The only change is that this reform would be phased in over fiscal year 1992.

As my colleagues will recall, this reform continues the mail subsidy for non-profit third-class mail, but limits the subsidy to the rate of a letter-sized, or less expensive piece of mail. The subsidy differential between the nonletter size or flat piece of mail is now an average of 4.4 cents above the subsidy for a letter-sized piece. This reflects the higher cost required to process these mail prices manually.

Under the conference agreement, this subsidy differential would be phased out. In fiscal year 1992, half the subsidy differential, or, on average, an additional 2.2. cents above the subsidy amount for a letter-sized mail piece will be provided; in future years, a basic per-piece subsidy is established at the letter-sized rate.

Because there has been a great deal of misinformation on the impact of the original Senate proposal now incorporated in this conference agreement, I want to once again clarify for my colleagues that this reform affects only one segment of one category of preferred rate mail—nonprofit, third-class nonletter sized mail. It gives third-class nonprofit mailers a choice. The subsidy is not removed. They can either continue to mail flat or nonletter sized pieces of mail and pay the difference between that higher-cost piece of mail and the lower subsidy amount for a letter-sized piece or convert their mailings to letter-size and pay no increase.

This conference agreement affects nothing else. Mail for the blind and for overseas voting will continue to be free. All other preferred rate mail categories—second-class nonprofit, classroom, and in-county which includes rural newspapers; third-class nonprofit letter-sized mail; and fourth class library—will continue to pay current rates. There will be no rate increase for those mailers as a result of the appropriation or language contained in this conference agreement.

Mr. President, there are two actions agreed to in conference which I cannot support. In both cases, the conferees accommodated spending recommended in the Senate-passed bill by appropriating the funds but delaying the obligation of those funds until the last day of the fiscal year. This includes $97 million of the funds appropriated to the IRS for tax information systems and $14.5 million of the funds appropriated for the Air and Marine Interdiction Programs of the U.S. Customs Service. As I indicated in conference committee, while I support the purposes for which these funds are provided, I cannot support these delays in the obligation of funds.

During the Senate's consideration of the Labor-HHS appropriations bill, I made my position on this tactic clear. It is a gimmick. The effect of these obligational delays is to move outlays from one fiscal year to the next. While it may get us inside our current year outlay target, it locks these outlays in the following fiscal year. I do not believe we should be making such funding commitments in advance. Next year will be no different. We will be facing another limitation on domestic discretionary appropriations. We should not make funds available for obligation on the last day of a fiscal year. We should wait one more day and make these fiscal year 1993 appropriations decisions when the full set of spending requirements for that year are before us for consideration. Obviously, my position did not prevail in conference committee on this bill. However, I cannot support this action on any appropriations measure.

Mr. President, the conferees on this bill had a tough job. Not only were we tasked with resolving a very different set of House and Senate funding priorities, but we were required to make further cuts in discretionary spending to meet an outlay target for conference which was $80 million below that set for the Senate bill. This was not easy. I would like to thank the House conferees and, in particular, the House subcommittee chairman, Congressman ED ROYBAL, and ranking member, Congressman FRANK WOLF, for their work on this measure.

My good friend and colleague from Arizona, Senator DECONCINI, who chairs this Senate Appropriations Subcommittee and who, this year, chaired the conference committee, deserves special recognition. He has done a tremendous job from start to finish and I thank him for all his efforts.

Mr. President, on balance, I believe this is a good conference agreement. While each and every item in disagreement was not resolved the way I would have preferred, we bring back what I consider to be a reasonable compromise between the House and Senate.

I urge its adoption by the Senate.

Mr. DECONCINI. Mr. President, one item included in the statement of managers accompanying the conference report on H.R. 2622 requires clarification. It is in reference to amendment number 10 concerning salaries and expenses for the Bureau of Alcohol, Tobacco and Firearms. The conferees have provided a total funding level of $336,040,000 for ATF in fiscal year 1992. Included in this amount is $2,444,000 for four Project Achilles task forces, not the $2,244,000 as indicated in the statement of managers.

Mr. INOUYE. Mr. President, I would like to ask the chairman of the Subcommittee on Treasury, Postal Service and General Government for clarification on a part of the conference agreement accompanying H.R. 2622, specifically amendment No. 59. In the agreement there is a statement, "balances remaining in the fund at the end of the third quarter in excess of $131,125,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists, expanding drug treatment capacity, drug abuse prevention and treatment related activities and shall also be transferred to the department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended." My question to the Senator from Arizona, is: Will this remaining fund be equally divided between ADAMHA and HUD?

Mr. DECONCINI. While there is no specific reference to an allocation of the funds included in the provision, it is my hope that ONDCP would divide the funds equally between ADAMHA and HUD.

Mr. INOUYE. My last question is directed at the provision of funds for treatment/prevention. Is my understanding correct, that you would expect these treatment/prevention funds to be expended for education to prevent substance abuse and/or treatment, and not for treatment/prevention research, and further, could a portion of these funds be used for increasing the programs for isolated, minority populations like former residents of American Samoa who may be in need of drug treatment/prevention services?

Mr. DECONCINI. I would expect that all of these funds would be used for direct treatment/prevention services and not for research. In answer to the second part of your question, I would see no restriction on such an expenditure for service to minority populations and would encourage both the ADAMHA

and HUD where appropriate to target one or more programs for American Samoans.

Mr. LAUTENBERG. Mr. President, I am very pleased that the conference report includes at my request $500,000 for a demonstration program that promises to have a real impact on the problem of vehicle theft in New Jersey.

Around the country, vehicle theft has increased by 42 percent between 1985 and 1989, to over 1.5 million offenses per year. The total value of stolen vehicles nationally now exceeds $8 billion per year.

The problem in New Jersey is particularly serious. Newark, NJ, has the worst auto theft rate in the country, and several other New Jersey cities are in the top 10. Last year, according to the State's Uniform Crime Report, there were 72,626 motor vehicle thefts reported in New Jersey, or 199 thefts every day.

One of the reasons why the auto theft epidemic has hit New Jersey so hard is that organized rings of car thieves are stealing vehicles for export to foreign countries, and are using New Jersey's ports to do so. There is a great demand for vehicles in many overseas locations, such as South America, the Caribbean, and Africa, and law enforcement officers report that prices for cars abroad may be three times higher than in the United States. In some cases, stolen cars are used to repay drug dealers.

The scope of the international trade in stolen vehicles is striking. According to the FBI, one in five vehicles on the docks waiting for Customs clearance in some Caribbean countries show clear signs of having been stolen and shipped from the United States. For vehicles worth over $15,000, the rate is nearly four out of five. It's an outrageous situation and must not be tolerated.

Mr. President, the Customs Service has been working hard at intercepting stolen vehicles before they are shipped abroad. Yet this is a difficult task, and Customs agents lack the resources they need to do the job right. In the New Jersey/New York seaport area, Customs Service agents are able to inspect only 16 percent of all vehicles manifested for export that fall in the high-risk category.

Mr. President, the vehicle theft interdiction demonstration program funded in this bill should allow the Customs Service to raise the inspection rate significantly. Agents also will receive additional training and equipment, which should enable them to do a better job of locating stolen vehicles. I am hopeful that these enhanced efforts will reduce the number of stolen vehicles shipped from the ports, lead to apprehension of members of theft rings exporting stolen autos, and develop and evaluate techniques for detecting stolen autos.

Mr. President, this project was developed with the cooperation of the Customs Service, and I want to thank the Service for its help. I also appreciate the Service's assurance that money for this project will not be taken from the budget of the Customs office serving New Jersey.

Mr. President, while the epidemic of auto thefts is particularly serious in the New Jersey area, it infects the Nation as a whole, and Customs needs to increase its attention to the problem in several areas.

In fact, the national scope of the auto theft problem requires a multipronged response that goes well beyond interdiction of stolen vehicles. Recently, the Senate approved my legislation, the Motor Vehicle Theft Prevention Act, as an amendment to the crime bill. That legislation would reduce vehicle theft and enable the police to stop cars that are likely to have been stolen, by establishing a framework for a consent-to-stop program. Under that program, vehicle owners may voluntarily put decals on their car that give law enforcement officials the right to stop their cars if they are operated under certain conditions, such as late night hours, during which their vehicles are not normally driven.

It is also important that vehicle manufacturers take steps to make cars more theft-resistant. Many law enforcement officials have told me that certain types of cars are extremely vulnerable to thieves, because of the way certain components, such as their steering columns, are constructed. It is important that manufacturers make adjustments to such components, to stop making life so easy for auto thieves.

Another possible approach to reducing theft is to strengthen the Federal law that requires manufacturers to mark certain car components with identification numbers. I have been working with a coalition of law enforcement, insurance, and other groups to look into the possibility of steps to expand and improve the effectiveness of the law.

Together, Mr. President, these steps can make a real difference in our effort to reduce auto theft. And I would welcome any other ideas for legislation or other steps that can be taken to address the problem. It's time to get serious about auto theft, and I want to do everything I can to help.

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

The conference report was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the amendments of the Senate in disagreement en bloc.

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

The amendments are as follows:

Resolved, That the House agree 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 (H.R. 2622) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 46, 48, 50, 51, 60, 68, 83, 88, 89, 106, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$231,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

For payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: *Provided*, That notwithstanding the provision of 31 U.S.C. Sec. 1342, the Bureau of Alcohol, Tobacco, and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine (OIV) in the United States in 1993. The Bureau of Alcohol, Tobacco, and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco, and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: *Provided further*, That

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$175,932,000, of which $14,500,000 shall not be obligated prior to September 30, 1992".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert "$12,100,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$141,372,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$3,579,879,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided*, That of the $427,323,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: *Provided further*, That of the amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "103".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is $52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for Processing Tax Returns and Assistance is $1,657,944,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

$470,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (I) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (II) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former section 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules."

Provided further: That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,": *Provided further*, That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted not to exceed 2.2 cents per piece; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this proviso against future year appropriations request: *provided further*, That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case less than 20 days following the date of enactment of this Act:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "*Provided*, That the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert "$51,934,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counter-narcotics research and development activities".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$86,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided*, That of the $86,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act of implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than $36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, the Department of the Treasury, is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert "$52,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "of which $19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided*, That $10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: *Provided further*, That $9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which $7,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research to remain available until expended: *Provided further*, That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of $131,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists, expanding drug treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert "$271,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 65 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$4,152,613,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$548,482,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, $11,047,000

Orange County, Courthouse, $250,000

District of Columbia.

U.S. Secret Service, (consolidation), $4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Atlanta, Centers for Disease Control, $5,000,000

Augusta, U.S. Courthouse, $3,500,000

Indiana:

Hammond, Courthouse and Federal Building, $5,000,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Bureau of the Census, Computer Center, planning and design, $2,700,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $200,000,000

Prince George's County, U.S. Courthouse, $10,747,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building, United States Courthouse Annex, Design and Site Acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, U.S. Courthouse and Federal Building, $29,791,000

Tennessee:

Knoxville, U.S. Courthouse—Post Office, $36,616,000

United States Virgin Islands:

Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert ": *Provided further*, That the General Services Administration shall reprogram up to $16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further*, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$266,331,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date:".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$112,273,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ": *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia U.S. Courthouse; the Augusta, Georgia U.S. Courthouse; the Wichita, Kansas U.S. Courthouse; the Portland, Maine Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina U.S. Courthouse and Federal Building; the Knoxville, Tennessee U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease

Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; and the Maryland, U.S. Census Bureau Computer Center; the District of Columbia, U.S. Secret Service Consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$4,152,613,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 87 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$31,155,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the appropriate authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "3".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "4".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "5".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "6".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "7".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "8".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 99 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment insert "10".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 101 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "12".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 102 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

SEC. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

SEC. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed $7,000,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

SEC. 16. After certification by the City of Des Moines, Iowa (the city), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the city, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, the Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the City, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

SEC. 17. Notwithstanding any other provision of law, funds previously provided under this heading in P.L. 101-136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: *Provided*, That the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: *Provided further*, That Section 16, GSA General Provisions, P.L. 101-136, is hereby repealed.

SEC. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is $1,071,372,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 110 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert ", as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "523A".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 118 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 119 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "529".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 120 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in Subsection (a) shall commence on or before September 30, 1992, and shall be complete by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "532".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "533".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 123 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "534".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 148 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 627. Section 4521 of title 5, United States Code, is amended to read as follows:

"Section 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officers within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 151 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona, without the prior approval of the House and Senate Committees on Appropriations.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 152 to the aforesaid bill, and concur therein with and amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 632. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 154 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first section number named in said amendment, insert "633".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 155 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 634. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or

other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

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.

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.)

REPORT ON CONTINUED BLOCKING OF PANAMANIAN ASSETS, MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on April 23, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $450,000 of the approximately $132.76 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $137.3 million remaining blocked at this time (which includes approximately $5 million in interest credited to the accounts since my last report), some $136.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama to fund a portion of Panama's arrearages to international financial institutions. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 35 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *October 3, 1991.*

MESSAGES FROM THE HOUSE

At 6:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the 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; it recedes from its disagreement to the amendments of the Senate numbered 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160 to the said bill; it recedes from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 10, 12, 20, 22, 23, 24, 26, 28, 30, 32, 33, 34, 36, 42, 49, 51, 59, 61, 63, 69, 77, 78, 81, 83, 89, 93, 96, 105, 106, 109, 111, 112, 121, 122, 128, 135, 140, 152, 153, 155, 162, 165, 171, 173, 175, 176, 178, 179, and 180 to the said bill, each with an amendment, in which it requests the concurrence of the Senate; and that the House insists upon its disagreement to the amendment of the Senate numbered 116 to the said bill.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 41, 48, 50, 51, 60, 68, 83, 88, 89, 100, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150 to the said bill; and it recedes from its disagreement to the amendments of the Senate numbered 7, 10, 24, 25, 27, 28, 31, 38, 39, 40, 43, 52, 53, 55, 56, 57, 58, 59, 62, 65, 66, 67, 69, 71, 80, 81, 84, 87, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 110, 115, 118, 119, 120, 121, 122, 123, 128, 148, 151, 152, 154, and 155 to the said bill each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 1773) to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 21 to the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1722) to provide emergency unemployment compensation, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day."

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 868. An Act 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;

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week"; and

H.J. Res. 305. Joint resolution to designate the month of October 1991, as Country Music 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 1983. A communication from the Assistant Secretary of the Army (Research, Development and Acquisition), transmitting, pursuant to law, a report on the intent to award a contract for all services, material, and facilities to the George C. Marshall Foundation for conduct of the annual George C. Marshall Awards Seminar; to the Committee on Armed Services.

EC 1984. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, a draft of proposed legislation to reauthorize subsection 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)); to the Committee on Banking, Housing and Urban Affairs.

EC 1985. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report notifying the Congress that the time period for issuing a final decision in No. 40365, National Starch and Chemical Corporation v. The Atchison, Topeka and Santa Fe Railway Company, Et. Al., has been extended by sixty days to December 6, 1991; to the Committee on Commerce, Science and Transportation.

EC 1986. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, an annual report addressing royalty management and collection activities for Federal and Indian Mineral leases in 1990; to the Committee on Energy and Natural Resources.

EC 1988. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend the Fish and Wildlife Coordination Act, as amended; to the Committee on Environment and Public Works.

EC 1989. A communication from the Acting Chairman of the International Trade Commission, transmitting, pursuant to law, an annual report on the impact of the Caribbean Basin Economic Recovery Act on United States industries and consumers for calendar year 1990; to the Committee on Finance.

EC 1990. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report on action taken by the United States in response to an official request from the Government of Peru for emergency import restrictions under the Convention on Cultural Property Implementation Act; to the Committee on Finance.

EC 1991. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report on action taken by the United States in response to an official request from the Government of Guatemala for emergency import restrictions under the Convention on Cultural Property Implementation Act; to the Committee on Finance.

EC 1992. A communication from the Assistant Legal Adviser for Treaty Affairs (Department of State), transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period to September 26, 1991; to the Committee on Foreign Relations.

EC 1993. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a monthly report on its committees and General Accounting Office reports from the month of August 1991; to the Committee on Governmental Affairs.

EC 1994. A communication from the Director of the Administrative Office of the United States Courts, transmitting, actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement System, and the Judicial Survivors' Annuities System for the years ending December 31, 1988 and 1989; to the Committee on Governmental Affairs.

EC 1995. A communication from the Deputy Executive Secretary of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report on proposed changes to an existing system of records of the Federal Deposit Insurance Corporation; to the Committee on Governmental Affairs.

EC 1996. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report on the activities of the Federal Courts; to the Committee on the Judiciary.

EC 1997. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend the Public Health Service Act and related laws to make changes related to the Commissioned Corps of the Public Health Service; to the Committee on Labor and Human Resources.

EC 1998. A communication from the Executive Director of the National Council on Vocational Education, transmitting, a report entitled "Occupational Competencies—A Study of the Vocational-Technical Education Needs of the Manufacturing and Aviation Maintenance Industries"; to the Committee on Labor and Human Resources.

EC 1999. A communication from the Chairman of the National Council on Vocational Education, transmitting, a report summarizing the quality factors that should exist in vocational-technical education, and details information about developing effective learning environments; to the Committee on Labor and Human Resources.

EC 2000. A communication from the Under Secretary of Education, transmitting, pursuant to law, a report entitled "Distribution of State-Administered Education Funds, Fourteenth Annual Report"; to the Committee on Labor and Human Resources.

EC 2001. A communication from the Assistant Secretary of Labor (Labor-Management Standards), transmitting, pursuant to law, a report entitled "Register of Reporting Labor Organizations 1990"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1297. A bill to authorize appropriations for the Coast Guard for fiscal years 1992 and 1993, and for other purposes (Rept. No. 102-169).

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments:

S. 455. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors (Rept. No. 102-170).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1992" (Rept. No. 102-171).

By Mr. NUNN, from the Committee on Armed Services, with amendments:

S. 1539. An original bill to authorize appropriations for fiscal year 1992 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Retirement and Disability System, and for other purposes (Rept. No. 102-172).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 848. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes (Rept. No. 102-173).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 172. A concurrent resolution providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House Document.

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. Res. 185. An original resolution to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 187. An original resolution to authorize printing of a revised edition of the Senate Rules and Manual.

S. Res. 188. An original resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook.

S. Res. 189. An original resolution to authorize the printing of a revised edition of Nomination and Election of the President and Vice President of the United States.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 1415. A bill to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Arthur J. Rothkopf, of the District of Columbia, to be general counsel of the Department of Transportation;

Ming Hsu, of Arizona, to be a Federal Maritime Commissioner for the term expiring June 30, 1996;

Rudy Boschwitz, of Minnesota, to be a member of the board of directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1994.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committees of the Senate.)

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half):

James C. Card

Roger T. Rufe, Jr.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard (printed in full in the CONGRESSIONAL RECORDS of September 16 and October 2, 1991) and ask, to save the expense of reprinting them on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

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. MOYNIHAN:

S. 1799. A bill to suspend temporarily the duty on certain fine fabrics of wool or fine animal hair; to the Committee on Finance.

S. 1800. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Finance.

S. 1801. A bill to extend the temporary suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Finance.

S. 1802. A bill for the relief of certain persons having claims against the United States for damage to the MV *Iver Chaser* resulting from the explosion of a mine in the territorial waters of Nicaragua; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. ADAMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. KERRY, and Mr. SARBANES):

S. 1803. A bill to prohibit recoupment of certain medicare payments to certain Uniformed Services Treatment Facilities; to the Committee on Finance.

By Mr. CONRAD:

S. 1804. A bill to provide humanitarian assistance to the peoples of the former Union of Soviet Socialist Republics; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 1805. A bill to amend title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of copyright owner; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. WIRTH):

S. 1806. A bill to amend the Federal Water Project Recreation Act and to authorize the Secretary of the Interior to manage the land resources of Federal reclamation projects and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SEYMOUR (for himself, Mr. LEAHY, Mr. DOLE, and Mr. LUGAR):

S. 1807. A bill to amend the Food Stamp Act to modify the application of such Act to disabled veterans and other disabled persons, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1808. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

By Mr. CRANSTON:

S. 1809. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. KASSEBAUM (for herself and Ms. MIKULSKI):

S.J. Res. 210. Joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day"; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. DECONCINI and Mr. DOMENICI):

S.J. Res. 211. Joint resolution designating October 1991 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 187. An original resolution to authorize printing of a revised edition of the Senate Rules and Manual; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 188. An original resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 189. An original resolution to authorize the printing of a revised edition of Nomination and Election of the President and Vice President of the United States; from the Committee on Rules and Administration; placed on the calendar.

By Mr. HELMS (for himself and Mr. LOTT):

S. Res. 190. A resolution to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens; to the Committee on Rules and Administration.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 191. A resolution to authorize testimony by a Member of the Senate in People of the State of California v. Charles H. Keating, Jr.; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1799. A bill to suspend temporarily the duty on certain fine fabrics of wool or fine animal hair; to the Committee on Finance.

SUSPENSION OF DUTY

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to reduce the duty on fine wool fabrics, and eliminate altogether the duty on very fine fabrics of the same material.

Hickey-Freeman has produced fine tailored suits in Rochester, NY, since 1899. Near a century. However, the U.S. tariff schedule currently makes it difficult for Hickey-Freeman to continue producing such suits in the United States. Though finished suits of these materials are imported at a rate of 21 percent ad valorem, the fabric used to make such suits is assessed a duty of 36 percent, a significant price disadvantage for domestic producers.

The bill I am introducing today would eliminate altogether the duty on the finest wool fabrics, those made of 80 count and finer yarns, and would cut in half, to 18 percent, the duty for fabrics made of yarn counts between 70 and 79. There is no domestic production, as far as I know, of such fabrics.

This bill would be a small step toward correcting our trade deficit and would help maintain the employment of skilled American workers. I therefore urge my colleagues to join me in supporting its adoption, and ask unanimous consent that the full 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. 1799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting at the end of the U.S. Notes thereto the following new note:

"13. For the purposes of headings 9902.51.12 and 9902.51.13, the term 'number', as applied to woven fabrics of wool or of fine animal hair, means the average yarn number of the yarns contained therein. In computing the average yarn number, the length of the yarn is considered to be equal to the distance covered by it in the fabric in the condition as imported, with all clipped yarn being measured as if continuous and with the count being taken of the total single yarns in the fabric including the single yarns in any multiple (folded) or cabled yarns. The weight shall be taken after any excessive sizing is removed. Any one of the following formulas can be used to determine the average yarn number—

$$\text{"}N = \frac{BYT}{1{,}000}, \frac{100T}{Z'}, \frac{BT}{Z}, \text{ or } \frac{ST}{10}$$

when:

"N is the average yarn number,

"B is the breadth (width) of the fabric in centimeters,

"Y is the meters (linear) of the fabric per kilogram,

"T is the total single yarns per square centimeter,

"S is the square meters of fabric per kilogram,

"Z is the grams per linear meter of fabric, and

"Z' is the grams per square meter of fabric.

Fractions in the resulting 'number' shall be disregarded."; and

(2) by inserting in numerical sequence the following new headings:

"9902.51.12	Fabrics, of numbers 70 to 79 (provided for in subheading 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	18%	No change	No change	On or before 12/31/95
9902.51.13	Fabrics, of number 80 or higher number (provided for in subheading 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	Free	No change	No change	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 1800. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Finance.

CHANGE IN RATE OF DUTY

● Mr. MOYNIHAN. Mr. President, I rise today to reintroduce a bill to amend the Harmonized Tariff Schedule of the United States. Imports of adult bicycles, those with front and back wheels larger than 65 centimeters, or 26 inches, are assessed a tariff rate of 5.5 percent. Imports of children's bicycles, either with wheel sizes of less than 65 centimeters or with different sized front and rear wheels, pay a 15-percent rate. Certain bicycles designed specifically for women are designed with smaller front wheels in order to provide proper handling along with a comfortable fit for women under 5 feet 4 inches. These bikes are, indeed, designed for adults, having standard-sized rear wheels.

Because of their unequal wheel size these special bikes are currently classified as children's bikes, subject to the 15-percent duty. Yet they are intended for and used by adults, and should be assessed rates as such. I am therefore reintroducing legislation to reduce the tariff on bikes with standard rear wheels and smaller front wheels to the 5.5-percent rate assessed other adult bicycles. I have added a minor change to assure that such bikes will not be confused with children's bikes, and therefore understand it to be the case that the Bicycle Manufacturers Association of America will withdraw its opposition to this bill as introduced last Congress and earlier in this Congress. The bill would provide for a retroactive change back to January 1, 1989. I urge my colleagues to join me in supporting this legislation, correcting an inadvertent discriminatory provision of the Harmonized Tariff Schedules, and 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. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN LIGHTWEIGHT BICYCLES.

(a) IN GENERAL.—Chapter 87 of the Harmonized Tariff Schedule of the United States is amended by redesignating subheading 8712.00.40 as subheading 8712.00.45, and by inserting in numerical sequence the following new subheadings, with superior text, with the superior text having the same degree of indentation as the article description for such subheading 8712.00.45:

	"Bicycles having a front wheel exceeding 55 cm in diameter but not exceeding 63.5 cm in diameter and a rear wheel exceeding 63.5 cm in diameter, having a weight of less than 16.3 kg complete without accessories, and not designed for use with tires having a cross-sectional diameter exceeding 4.13 cm.			
8712.00.41	Valued at $200 or greater	5.5%	Free (E, IL) 3.8% (CA)	30%
8712.00.42	Valued at less than $200	15%	Free (E, IL) 10.5% (CA)	30%".

(b) STAGED RATE REDUCTION.—Any staged reduction of a rate of duty for subheading 8712.00.20 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of the enactment of this Act and that would otherwise take effect after the date of the enactment of this Act shall also apply to the corresponding rate of duty set forth in subheading 8712.00.41 (as added by subsection (a)).

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of the enactment of this Act, any entry of an article described in subheading 8712.00.41 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(1) after December 31, 1988; and

(2) on or before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 1801. A bill to extend the temporary suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to extend a suspension of duty under the Harmonized Tariff Schedule of the United States. In the Omnibus Trade Act of 1988 we enacted a suspension of the duty on certain copying machine parts. The duty suspension was extended in 1990 until December 31, 1992.

The Xerox Corp. has long been a leader in the copying machine industry, and indeed, continues to succeed in today's competitive world markets. This while employing 9,600 workers at its main production plant in Webster, NY. In order to remain competitive, it has become necessary to import many of the parts used in the assembly of the copying machines. This is unfortunate, but a fact. Suspension of the tariff on these parts provides critical cost savings for Xerox.

It is for this reason that we enacted this tariff suspension in 1988, and for this reason we should extend the duty suspension. I urge my colleagues to join me in supporting adoption of this legislation, and ask unanimous consent that the full 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. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That subheading 9902.90.90 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/96".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered or withdrawn from warehouse for consumption after fifteen days of enactment of the Act.•

By Mr. GORTON (for himself, Mr. ADAMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. KERRY, and Mr. SARBANES):

S. 1803. A bill to prohibit recoupment of certain Medicare payments to certain uniformed services treatment facilities; to the Committee on Finance.

RECOUPMENT OF CERTAIN PAYMENTS TO UNIFORMED SERVICES TREATMENT FACILITIES

Mr. GORTON. Mr. President, today I introduce legislation, joined by Senator ADAMS, Senator KENNEDY, Senator MIKULSKI, Senator KERRY of Massachusetts, and Senator SARBANES, which will alleviate a serious problem facing three uniformed services treatment facilities in Maryland, Massachusetts, and Washington state.

In 1981, I worked with the late Senator Jackson on an amendment to designate 10 former public health service hospitals across the country as uniformed services treatment facilities. This enabled each hospital to continue to care for active duty and retired military personnel and their dependents after the public health service hospital system ended.

Since the passage of the Jackson amendment, these facilities have been exceedingly popular with the patients they serve. These facilities offer excellent, innovative approaches to assuring that the health care we provide our military and their dependents is the best possible.

In 1986, funding for USTF's was reduced. As a result, three of these facilities were given contracts by DOD to enable them to receive Medicare reimbursements for elderly USTF patients who were eligible for Medicare benefits. Each of these facilities complied with the contract terms and received Medicare reimbursements, enabling each facility to continue to provide for USTF patients. At no time, did these facilities receive double payments.

In 1989, the Department of Defense and the Department of Health and Human Services determined that USTF's could not bill Medicare. As a result, The Department of Defense changed its USTF regulations to prevent uniformed services treatment facilities from receiving Medicare reimbursements. Each facility stopped billing Medicare immediately following DOD's change in regulation.

Recently, however, the Health Care Financing Administration announced its decision to attempt to recover Medicare funds paid to these facilities between 1986 and 1989. These reimbursements, however, had been authorized and approved by the Department of Defense as a way to compensate for the cuts in the USTF program. If HCFA is successful in recouping these funds, these facilities will be financially devastated.

Each facility fully complied with the terms of the agreement and should not be punished for a crime it did not commit. Our legislation is simple. It prevents the Secretary of Health and Human Services from recovering money from the specified uniformed services treatment facilities, on the ground that these facilities received Medicare reimbursements in accordance with an agreement that was signed by both the Department of Defense and the Department of Health and Human Services.

I am committed to the survival of uniformed service treatment facilities, and will continue to work to remedy this problem.

Mr. President, I urge the adoption of this legislation and ask that a copy 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. 1803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION AGAINST RECOUPMENT OF ALLEGED OVERPAYMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services may not take any action to recover amounts that were paid by the United States under title XVIII of the Social Security Act to the facilities described in subsection (b) (or to providers under contract to such facilities) for items or services provided during the period beginning on October 1, 1986 and ending on December 31, 1989.

(b) FACILITIES DESCRIBED.—The facilities referred to in subsection (a) are the hospitals in Boston, Massachusetts, Baltimore, Maryland, and Seattle, Washington that, during the period described in subsection (a), were deemed to be facilities of the uniformed services under section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

By Mr. CONRAD:

S. 1804. A bill to provide humanitarian assistance to the peoples of the former Union of Soviet Socialist Republics; to the Committee on Agriculture, Nutrition, and Forestry.

HUMANITARIAN ASSISTANCE TO THE PEOPLE OF THE USSR ACT

Mr. CONRAD. Mr. President, I rise today to address two crises we confront, a food crisis in the Soviet Union, and a farm crisis right here at home.

The two are linked and require an immediate response. Mr. President, the evidence for both is clear and compelling.

The night before last, as I watched the evening television news reporting from the Soviet Union, one of the leading economists in the Soviet Union predicted a brutal winter with shortages in food and fuel. They then interviewed a middle-class family in the Soviet Union. They talked to them at their kitchen table, a man and wife and two small children. The family was contemplating how they were going to feed their children during the winter. They were contemplating sending the children to the countryside to the grandparents, so that they could be assured that their children would eat this winter.

They talked about gathering mushrooms and berries every weekend and every vacation so they would not go hungry this winter.

Mr. President, it is not just the evidence that comes from individual stories, but we see much other evidence as well. On page 1 of the New York Times of the 8th of September, a large headline read, "Experts Worried Over Food Supply for Soviet Winter. Poor Harvest Predicted."

The story goes on to cite that the consensus among agricultural experts in and outside Government is that the Soviet harvest will be as much as 25 percent smaller than last year's. Political turmoil in the wake of the failed coup against Gorbachev has delayed harvesting the crops, experts said, adding that the harvest may even be smaller if the work is delayed any further.

There is more evidence from the Financial Times of London, and I quote:

> As the Soviet grain harvest enters its final weeks, most Soviet and Western officials are expecting a poor yield of around 190 million tons, against 240 million tons last year, leading western diplomats in Moscow to estimate that the Soviet Union will need to import between 77 and 110 million tons.

From a story that came over the AP wire of October 2, 1991, quoting former Secretary of State Henry Kissinger, the lead is:

> The United States should lead efforts to help feed the Soviet people as their economy staggers under the changes that have rocked the nation, former Secretary of State Henry Kissinger said. The Soviet economy is "a horrendous mess," with the lack of food the most pressing problem, Kissinger said on Tuesday.

Mr. President, the evidence goes on. Time magazine from September 23 carried an article entitled, "Will a Weak Democracy Spawn a Dictatorship?" What are the stakes here, if the Soviets face real hardship this winter?

Let me just refer to this Time magazine article. It presents a chilling scenario.

> Inflation runs riot, sapping an already weakened economy, people go cold and hungry, a weak democratic government fails to maintain order and is vilified by nationals furious at the country's fall from world power to beggary. An attempted coup designed to install a dictatorship fails, and its leaders are tried for treason. But after a final economic breakdown marked by mass unemployment, fascists come to power with wide popular support and institute a ruthless totalitarianism.

Does that sound familiar? It is the story of the Weimar Republic in Germany after World War I. Time magazine repeats the story because it could be repeated in the Soviet Union, a warning to all of us as to whether and when we act on this crisis.

Lest anyone think that a right-wing dictatorship, a fascist dictatorship is out of the question in the Soviet Union after the events of recent days, let me refer to a Journal of Commerce article that appeared Thursday, September 19, entitled "Demagogue Who Wants Russian Empire Is no Laughing Matter."

This story, Mr. President, says that of the two men who drew the biggest hallway crowds at the latest meeting of the Soviet Congress, one was Gorbachev, the other was Mr. Vladimir Zhirinovsky.

Let me quote Mr. Zhirinovsky. I never heard of him, it says. Listen to what it had to say about his Presidential ambitions to the dozens of people clustered around him.

What I am going to play on is this wave of Russian nationalism——

He said, in one of his manic 3-hour monologs.—

The Slavs are going to get anything they want, if I am elected. We should scare all of the small nationalists now. I say quite plainly, when I come to power there will be a dictatorship. Russia needs a dictator somehow.

He goes on to say:'

I will be ruthless. I will close down newspapers one after another. I may have to shoot 100,000 people. But the other 300 million will live peacefully. You want to call it Russian fascism? Fine. I do not care if they want to call me a Nazi or a fascist. Workers in Leningrad told me, "Even if you wear five swastikas, we will vote for you all the same. You promise a clear plan."

Mr. President, some say, as this article reports, that Mr. Zhirinovsky is a clod whose racist authoritarian ideas will never win support among a broad mass of people. But others say he is no joke, and point to two things. First, in June's race for the Russian Presidency, Mr. Zhirinovsky finished third in a field of six, behind Boris Yeltsin. Mr. Zhirinovsky, a virtual unknown at the start of the 5-week campaign, pulled down 7 million votes, or 8 percent of the total. Some think he would have received twice that number if he had more time to spread his message.

Mr. President, we have reason to be concerned. We have a food crisis in the Soviet Union. We have a farm crisis in this country. The farm crisis is also very serious.

For those who are not aware of what has happened to farm prices in the United States let me refer them to this chart. It shows what has happened to U.S. wheat prices when they are shown in constant dollars. Mr. President, this chart goes from 1940 to 1991. When we take out the effect of inflation, we find we have the lowest wheat prices in 1991 that we have seen in the last 50 years. Wheat prices are at their lowest in 50 years—40 percent below prices only a few years ago.

All across my State, all across the heartland of America, farmers are in trouble. In my State, the State university has done a study, an analysis which shows that 35 percent of the grain farmers cannot survive under the terms of the last farm bill and these farm prices.

Mr. President, what is a crisis? Is it a crisis in the heartland when 1 out of 10 farmers faces being forced off the land? Is it a crisis when 1 out of 5 faces being forced off the land? I would say it is a crisis when 1 in 3 farmers in my State face being forced off the land. That is a crisis.

Mr. President, as I have gone across my State in the last several weeks meeting with people in community forums and other meetings, over and over they are saying to me, "Senator, we can't survive. These prices, the lowest in real terms in 50 years, will not allow us to stay on the land. And what is the response? Washington is doing nothing."

Mr. President, it is time to act. Two weeks ago, a very close friend of mine called me one afternoon and he said, "Senator, a neighbor called me last night at dinner time. And he said to me, 'Connie, if you want to buy any land or know anybody that wants to buy land, they can buy ours.'"

The person that called is a 40-year-old farmer, debt free, the best farmer that we have to offer, an outstanding farmer. My friend was so shocked, he called me and said, "Senator, if that family can't make it, none of us can make it. They are debt free, outstanding farmers. That family did an analysis of their farming operation over the last 3 years and found that they had not made any money in the last 3 years, that they were living off the balance sheet."

That is the reality of most of American agriculture, in my part of the country at least.

Mr. President, for that reason, the two crises we confront, I am offering legislation that will provide $2 billion in food loan guarantees to the Soviet Union, so that we can address the food crisis in that country and simultaneously the farm crisis in this country.

The President is given much discretion. He can decide where the food aid ought to go. He can decide the timing.

In addition, the legislation applies conditions, because everywhere I went in my State, people said, "Yes, let's do something to help, but let's not write a big check. We can't afford to write a big check."

That does not mean we cannot help. That does not mean we cannot provide food aid credit guarantees to help the Soviets through the winter. But they said to me, "Let's apply conditions."

So this legislation provides two conditions, Mr. President, one, "That the appropriate authorities of the Government of the Union of Sovereign States and the Government of the Russian Republic have made a commitment to negotiate further joint reductions in nuclear forces" and "That the Government of the Union of Sovereign States has made a commitment to adhere to a schedule for the withdrawal of its Armed Forces from Eastern Europe and Cuba."

Mr. President, there are two crises: The food crisis in the Soviet Union, the farm crisis here at home. This is one way of addressing them both. It is clearly time to act.

I urge my colleagues to support this modest measure which can address the problems in the Soviet Union and simultaneously the problems here at home.

By Mr. HATCH:

S. 1805. A bill to amend title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of a copyright owner; to the Committee on the Judiciary.

CLARIFICATION OF CERTAIN EXEMPTIONS UNDER THE COPYRIGHT ACT

Mr. HATCH. Mr. President, I rise to file a bill to amend section 107 of the Copyright Act, with respect to fair use. As another Presidential campaign season gets underway, we are all once again vividly reminded how broadcast news has unprecedented and nearly limitless influence over public opinion. News programming is, however, as ephemeral as it is powerful—it vanishes once it is aired. However, video cassette recorders, now a part of everyday life, permit an individual or institution to alter this situation by recording programming for later viewing, for preservation and analysis.

At the intersection of broadcasting and VCR technology is a new and growing industry: Broadcast news monitoring. Broadcast monitors meet a narrow public demand for tracking local and national news programs. Like newspaper clippings services, they monitor programming on behalf of individuals or institutions. Then they edit and compile segments of broadcast news, from local stations and from across the country, that are of specific interest to their clients.

Broadcast monitoring is absolutely invaluable to individuals, the Federal Government, corporations, advertising agencies, charitable organizations, and libraries and universities. Today, broadcast monitoring services are used to follow the reporting of issues at the local and national levels, for law enforcement, to respond to unfair, negative, or inaccurate reporting, for disaster relief, to monitor commercial advertisements, and for news research.

Through broadcast monitoring, viewers are no longer limited by time or geography to stations in their own areas,

or to watching only one of several programs aired simultaneously. By acting as agents on behalf of their clients, broadcast monitors can do what their clients cannot do: Monitor broadcasts nationwide.

To date, broadcast monitors have relied on the constitutional balance of the copyright law to protect their interests and those of the public. Although copyright is intended to reward creators, its ultimate purpose is to ensure that works are made broadly available to the public. This goal is embedded in the Constitution, in the Copyright Act, and, particularly, in the fair use doctrine of the copyright law.

Broadcast monitors have demonstrated repeatedly that they advance this constitutional and statutory goal, without having the slightest negative economic impact on broadcasters or on their incentive to produce news or other programming.

The underpinnings of the copyright law and fair use doctrine should, therefore, protect and encourage the development of monitoring services. As the Supreme Court decided in the Sony Betamax case, copyright law permits clients of broadcast monitoring services to monitor and record programming off-air. Monitors, with their greater technological resources and national reach, simply do for clients what the fair use doctrine would otherwise permit them to do for themselves.

Some courts have recognized the valuable first amendment interests advanced by broadcast monitors. Recently, the Court of Appeals for the 11th Circuit reversed a lower court's order enjoining one broadcast monitor from taping CNN programming, stating that "by approving a grant of injunctive relief for infringement of unregistered copyrighted transmission programs, we would close the door on public access to [broadcast news programming.]" *Cable News Network* v. *Video Monitoring Services of America*, No. 90-8798 (11th Cir. Sept. 4, 1991).

The Eleventh Circuit recognized the irony of the broadcast news media's efforts to preclude the public from exercising its first amendment interest in having access to news programming. The court stated "[i]n a society where the free flow of an access to ideas is mandated by the first amendment, it would be particularly pernicious to allow the news media, cloaked in the first amendment, to thwart such access and to control such flow under the title of a copyright owner." In balancing the copyright interests of the broadcast news media and the first amendment interests of the public, the court noted that "[p]articularly in an age when the broadcast media represent the source of news for so many citizens, thoughtful consideration must be afforded to the public interest."

Unfortunately, other courts have placed the narrow interests of the copyright owner over the public's interest in access to the news broadcasts that shape and inform our public perceptions and opinions. In several recent decisions, these courts have seemingly misapplied the copyright law, as it was enacted by Congress and as it has been interpreted by the Supreme Court. These decisions refuse to recognize the realities of broadcast monitoring and fail to accord significance to the manner in which it serves the public. By enjoining the legitimate and necessary monitoring activities that the public demands, these courts are defying congressional intent and ignoring the public's interest in access to information that is embodied in the copyright law.

Only Congress can act to restore the proper balance between the public's right to have access to broadcast programming and the incentives due to copyright owners.

Mr. President, I am today introducing a bill to clarify that news reporting monitoring may qualify as a fair use of copyrighted works. I recognize that this proposed bill may not represent the ultimate legislative solution for the fair treatment of broadcast monitors. It is, however, introduced with the full recognition that a solution must be sought, that a clash of interests is occurring which, according to some courts, was not anticipated by the copyright law. In the near future I look forward to soliciting the views of monitors, consumers and expert witnesses alike, toward resolving this issue of vital concern to all persons who may be interested in what is said about them when they may not be personally present to observe.

MONITORING AND COPYRIGHT INTERESTS

Mr. President, broadcast monitors currently are under attack by broadcasters who claim that their services infringe program producers' copyrights in the news. In their defense, broadcast monitors have relied on the fair use doctrine of the Copyright Act, to prove that monitoring activities are not an infringement of copyright. I believe that, when correctly applied to broadcast monitors, the copyright law—and the fair use doctrine—can be read to protect their services from claims of infringement.

Article I, section 8 of the U.S. Constitution grants Congress the authority "[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Congress gave exclusive rights to authors as an incentive for them to create new works for the public good. These rights, however, can create a tension with other rights and interests of the public—as embedded in the First Amendment—in the broad dissemination of works of public significance.

Congress and the courts have developed, enacted, and applied the fair use doctrine to harmonize these disparate interests. The fair use doctrine is not, therefore, only a statutory exception to the exclusive rights afforded by the Copyright Act. Rather, it is a necessary bulwark of our constitutional scheme, protecting the public's interest in access to information as a balance to the exclusive rights of copyright owners.

As one commentator put it:

> [i]n the balancing between the constitutional right of access through fair use and the copyright law, the balance must tilt toward the constitutionally protected right to reasonable access. Fair use is the vehicle for effectuating the constitutional protection for the privacy of the public interest over the interest of the copyright proprietor.—H. Rosenfield, "The Constitutional Dimension of Fair Use in Copyright Law." 50 Notre Dame L. Rev. 790 (1975).

When it enacted the Copyright Act in 1976, Congress decided that it was important to codify the longstanding common law doctrine of fair use. See 17 U.S.C. 107. Section 107 states that certain uses of copyrighted material for important public purposes such as "criticism, comment, news reporting, teaching, * * * scholarship or research" are not infringements of copyright. Congress described section 107 in the legislative history accompanying the act as "one of the most important and well-established limitations on the exclusive rights of copyright owners." (H.R. Rept. 1476, 94th Cong., 2d Sess., at 65 (1976).

In section 107, after describing certain types of fair uses, Congress set out the factors for determining whether a particular use of copyrighted material is a fair use. They are:

First, the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

Second, the nature of the copyrighted work;

Third, the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

Fourth, the effect of the use upon the potential market for or value of the copyrighted work. (17 U.S.C. 107.)

The legislative history of the Copyright Act makes clear that while "[t]he bill endorses the purpose and general scope of the judicial doctrine of fair use," there "is no disposition to freeze the doctrine in the statute, especially during a period of rapid technological change." (H.R. Rept. 1476, 94th Cong. 2d Sess. at 96 (1976).) Thus, Congress intended that the fair use doctrine be flexible enough to protect new technological uses of copyrighted works. Important, productive and beneficial uses—such as broadcast monitoring—were not foreseeable when the Copyright Act was enacted.

BROADCAST NEWS MONITORING AND THE FAIR USE DOCTRINE

Broadcast news monitoring services seem to fall within the core of activities protected by the fair use doctrine. In fact, the ultimate purposes of monitoring are precisely those defined in the first sentence of section 107: "criticism, comment, teaching * * * scholarship or research." A searching analysis of broadcast monitoring under the four factors set out in section 107 demonstrates that news monitoring is the type of activity that Congress intended the fair use doctrine to protect.

1. THE EFFECT UPON THE POTENTIAL MARKET FOR OR VALUE OF THE WORK

The Supreme Court has held that the sole purpose of copyright is to create incentives for creative effort. *Sony Corp. of America* v. *Universal City Studios Inc.*, 464 U.S. 417, 450 (1984). Therefore, the most important element of any fair use analysis of broadcast monitoring is whether it diminishes the incentive of broadcasters to create news programming.

Uses that have no demonstrable effect on the market for, or the value of, the copyrighted work need not be prohibited. Id. In this situation, no such prohibition is required—and no infringement need be found—to protect the author's incentive to create. Because monitoring has no adverse economic impact on broadcast news programming, or the incentive to produce the news, a proper application of this factor cuts strongly in favor of concluding that news monitoring is a fair use.

Producing news programming and providing news monitoring services are not the same business. Commercial broadcasters generate revenues from the news by producing programs that attract viewers, that increase audience shares, and that enable advertising to be sold at rates that escalate with the size of the audience. Broadcast monitoring, by definition, has no impact on the size of the audience. Furthermore, monitors do not sell advertising time because they do not rebroadcast news segments. Therefore, broadcast monitors do not compete with broadcast stations for audiences or for advertising revenues. They have no actual or potential negative effect on the market for, or value of, the advertising time sold by broadcast stations.

For example, if a news monitor in Texas provides a compilation of clips from Texas news programs to a client in New York the Texas news station has not been negatively affected in any way. The monitoring service did not cut into the Texas station's audience and did not siphon revenues that would otherwise have gone to the broadcaster.

Moreover, broadcasters are not, and have no demonstrable interest in, exploiting the market for monitored broadcasts. They do not actively sell clips of their programs to their local markets, let alone nationally. They maintain no standing orders from clients nor do they monitor other stations' programs. In short, broadcast monitoring does not diminish in any way the value of or market for any broadcaster's news programming.

2. THE NATURE OF THE COPYRIGHTED WORK

The Supreme Court has held that the fair use doctrine has its broadest application where information, rather than creative works are involved. In fact, the Supreme Court has acknowledged that "[c]opying a news broadcast may have a stronger claim to fair use than copying a motion picture." *Sony*, 464 U.S. at 455. Similarly, the nature of a news program also argues in favor of finding that broadcast monitoring should be viewed as a fair use.

Factural material, such as much of the material contained in a news program, is more susceptible to a fair use finding than purely artistic works, such as motion pictures. And as the 11th Circuit recently noted, "a typical television newscast may be copyrightable in its entirety as a compilation only. The various news stories, prerecorded segments, and weather reports presented in newscasts clearly constitute preexisting, collected and assembled materials that are factual in nature." Cable News Network, No. 90-8789 at 5069. A broadcaster seeking to enjoin the reproduction of a newscast may be seeking to enjoin not only its own copyrighted material but the reproduction of uncopyrightable facts or copyrighted material owned by others. While much broadcast news programming is clearly copyrightable, it is also clear that to the extent that the news reports factual material, it contains less originality than traditional entertainment programming. Therefore, uses of copyrighted news programming are more likely to qualify as fair than uses of more creative copyrighted material.

News is of public significance, and contributes substantially to public awareness and informed debate. News programs, unlike works of entertainment, lose much of their value as soon as they are broadcast. The value of news lies in its timeliness; there is no significant aftermarket for news.

News programming is ephemeral; it becomes inaccessible immediately after it is broadcast. Congress specifically intended that the relative inaccessibility of a work to the public should be a factor in assessing whether users who reproduce such works are engaged in an activity protected by the fair use doctrine in 1976, the Senate Judiciary Committee noted that:

[a] key, though not necessarily determinative factor in fair use is whether or not the work is available to the potential user. If the work is "out of print" and unavailable for purchase through normal channels, the user may have more justification for reproducing it than in the ordinary case, but the existence of organizations licensed to provide photocopies of out-of-print works at reasonable cost is a factor to be considered.—S. Rept. No. 473, 94th Cong. 2d Sess. at 65 (1976).

3. THE AMOUNT OF THE COPYRIGHTED WORK USED

Broadcast monitors record and compile brief segments from various broadcasts; they do not use entire or even substantial parts of news broadcasts.

Clients are not interested in the portions of news reports unrelated to them. One of the most valuable aspects of monitoring services is that they screen irrelevant information and compile only what is directly related to clients' interests. This fair use factor weighs strongly in favor of broadcast monitors.

4. THE PURPOSE AND CHARACTER OF THE USC

Perhaps the strongest argument in favor of finding monitoring to be a fair use is that the end uses to which clips are put fall squarely within the core of the doctrine; compilations are used for comment, research, criticism, and education. As described above, many customers of broadcast monitors use clips to follow coverage about their activities, to make sure that the media fairly represents them and their views to the public. The legislative history of the Copyright Act states that:

[w]hen a copyrighted work contains unfair, inaccurate or derogatory information concerning an individual or institution, the individual or institution may copy and reproduce such parts of the work as are necessary to permit understandable comment in the statements made in the work.—H.R. Rep. No. 1476, 94th Cong. 2d Sess., at 73 (1976).

Broadcast monitors enable clients nationwide to perform precisely this monitoring or checking function. On their clients' behalf, and at their specific request, monitors simply copy, compile, and log news segments when their clients are themselves unable to view all possible programs of interest or relevance.

That broadcast monitors charge a fee for their services does not mean that their monitoring activities are not a fair use. The commercial nature of a use is only one aspect to be considered in analyzing the purpose and character of the use. In fact, many fair uses of copyrighted material involve commercial purposes, such as parody, satire, literary or artistic criticism, and biography.

The House report accompanying the Copyright Act stated that the language in section 107 referring to the purpose and character of the use of copyright material "is not intended to be interpreted as any sort of not-for-profit limitation on educational uses of copyrighted works. It is an express recognition that, as under present law, the commercial or non-profit character of an activity, while not conclusive with respect to fair use, can and should be weighed along with other fac-

tors* * *." (H.R. Rept. No. 1476, 94th Cong. 2d Sess. at 66 (1976).)

Broadcast news monitors could not provide their services on a nonprofit basis. They, like many other users of copyrighted material, must charge their clients. In the case of monitors, the fee that they charge is set at a level that demonstrates that clients are willing to—and do—pay for a service package that offers much more than the mere reproduction of a broadcast program.

In summary, a proper application of the four factors of section 107 demonstrates that broadcast monitoring services are precisely the type of activity Congress wanted to protect by codifying the fair use doctrine:

News monitoring services do not have any negative effect on the actual or potential market for or value of news programming;

News is of significant public interest and monitoring enables clients to review and analyze otherwise ephemeral news programming;

Monitoring services use only insubstantial portions of news programs; and

The ultimate uses of compilations of clips are educational and for comment, analysis and research.

Broadcast monitors play an integral role in the broad dissemination of news and other public affairs programs. Recognizing this fact, most broadcasters have excellent working relations with monitors that serve their communities. Indeed, many refer viewer requests for clips of recent broadcasts to monitors. In this way broadcasters and broadcast monitors together ensure that the demand for both immediate news by local audiences and for retrieval of footage by a national audience is wholly satisfied.

The Supreme Court has correctly interpreted the fair use doctrine to mean that courts should not "inhibit access to ideas without any countervailing benefit. (Sony, 464 U.S. at 450–51.) Because monitoring has no real or potential economic impact on broadcasters, monitors simply do not diminish the incentive to produce news or other programs. There is no countervailing benefit, economic or otherwise, from courts acting to suppress access to news.

By sharply restricting the proper scope of the fair use doctrine, courts have curtailed the activities of broadcast monitors. The unfortunate result is that the public's first amendment right to access to news programs is now being severely eroded.

While the recent eleventh Circuit decision may be viewed as a step in the right direction, it does not, and cannot, go far enough in protecting the interests of the public in having access to news programming through broadcast news monitors.

Congress should act to correct the judicial imbalance that has been created by courts that have tilted the copyright law against the public's right to have access to broadcast information. It should enact legislation, of the type I am introducing today, so that services that provide clips, or compilations of clips, of broadcast news programming for the internal use of third parties are engaged in an activity protected by the fair use doctrine. At this point, a legislative solution is required to restore the balance of rights between producers of news programs and the public.

Mr. President, I would again like to emphasize that I do not view this proposed legislation as final legislative language. I introduce this bill to generate discussion and to induce experts and affected parties to make their views known. Hopefully, hearings can be held soon with the goal of perfecting the bill introduced today, that we may resolve the conflicts unaddressed by current law.

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. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of title 17, United States Code, is amended by inserting "or monitoring news reporting programming" after "news reporting"

By Mr. SEYMOUR (for himself, Mr. LEAHY, Mr. DOLE, AND MR. LUGAR):

S. 1807. A bill to amend the Food Stamp Act of 1977 to modify the application of such act to disabled veterans and other disabled persons, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

APPLICATION OF FOOD STAMP ACT TO DISABLED PERSONS AND DISABLED VETERANS

Mr. SEYMOUR. Mr. President, I rise today to introduce legislation to correct an inequity in the Food Stamp Act of 1977. My bill would ensure fair and equal treatment of disabled persons living in group accommodations.

Under the Food Stamp Act, disabled persons who live in small group public or private nonprofit group homes are eligible to receive food stamps if they receive disability payments under the Social Security Act. However, if a disabled person receives disability assistance from any other source, such as the Veteran's Administration, they are not eligible for food stamps. Mr. President, this situation is unfair.

I believe that this disparate treatment is the result of an oversight. In fact, the general definition of elderly and disabled persons under the Food Stamp Act does include those persons receiving assistance from other sources; however, that definition was not carried over to the authorizing section relating to group homes.

My bill would fix this inconsistency and allow disabled persons receiving benefits under the Veteran's Administration Act and other pension systems to be treated the same as disabled persons receiving payments under the Social Security Act. In other words, disabled people in group homes who otherwise qualify for food stamps will be eligible to receive food stamps regardless of whether their disability payment come from Social Security or from the Veteran's Administration.

Mr. President, this is a small bill in terms of many of the issues faced by the Senate. However, this bill is vitally important to the few people who would become eligible for the food assistance they now need. Let us give fair treatment to the veterans, teachers, and others who have served our country so well.

I am pleased to be joined by the chairman of the Agriculture Committee, Chairman LEAHY, and the ranking minority member, Senator LUGAR, as well as our distinguished minority leader, Senator DOLE in introducing this bill.

Mr. President, I urge my colleagues to support this legislation.

By Mr. CRANSTON:

S. 1809. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER CREDIT PROTECTION AMENDMENTS

• Mr. CRANSTON. Mr. President, last year I introduced important fair credit reporting legislation developed by my colleague in the House, Congressman LEHMAN of California. Today, I reintroduce this bill in the hopes that Congress will act this year to adopt comprehensive fair credit reporting amendments to update the 21-year-old Fair Credit Reporting Act. Recently, the media has reported on the frequent and well-founded complaints consumers have with their credit reporting agencies. A September 23, 1991, Wall Street Journal article reports:

> More people than ever are feeling tremors from the billion-dollar credit reporting industry, an invisible but vital force in the life of every American consumer. The industry has become the number 1 source of consumer complaints in America, ahead of auto defects and debt collectors, according to the Federal Trade Commission, which saw credit-reporting complaints shoot up 50% to 9000 last year.

The purpose of this bill is to educate consumers about the credit reporting process and protect their privacy rights while responding to massive changes in information technology and business credit needs.

The Senate Banking Subcommittee on Consumer Affairs will conduct a hearing on fair credit reporting amendments and intends to pass legislation this year. The Fair Credit Reporting Act originally was crafted to balance the availability of accurate credit information for business purposes against an individual's right to privacy. Since its enactment, the importance of credit to consumers in our society has grown tremendously. Our lifestyles have become increasingly dependent upon our access to credit—for travel, education, household goods, health care, and homeownership. At the same time, advances in computer technology enable the credit reporting industry to store and transfer much more information on a consumer's credit history.

In recent years, concerns have been raised about the privacy and security of this consumer credit information, the accuracy and relevancy of information in a consumer credit report, the difficulty of removing inaccurate information from a credit report and the long delay to get disputed information reinvestigated.

In many instances, consumer reports contain information on a consumer's employment, address, and bill paying history; they may also contain information unrelated to credit such as medical history. Although consumer reports may only be accessed by those with legitimate business need, some reporting businesses have begun to "prescreen" these supposedly confidential consumer reports for marketing purposes.

This bill simplifies the process of getting inaccurate information investigated and removed from a report. It provides consumers the opportunity to determine whether they will allow their report to be released for noncredit purposes. This bill requires that consumers be notified when the contents of their consumer report was the basis of rejection for a consumer's credit or rental application. The bill also establishes standards for credit repair organizations and prohibits certain activities.

The Fair Credit Reporting Act has been amended only once in its 21-year history. Evidence is overwhelming that the time is upon us to address pressing consumer concerns. This legislation makes sound refinements to the Fair Credit Reporting Act to ensure that the law's initial purposes are met in these changing times.

I intend to remain actively involved with this issue to ensure consumers are aware of their rights under law and are better served by credit reporting agencies. I urge my colleagues to support fair credit reporting amendments when legislation comes to the floor.

I ask for unanimous consent to place the full text of the Wall Street Journal article and a Newsweek article in the RECORD along with the bill and section-by-section analysis.

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

S. 1809

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 "Consumer Credit Protection Amendments of 1991".

TITLE I—FAIR CREDIT REPORTING AMENDMENTS

SEC. 101. DEFINITION OF ADVERSE ACTION.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(j) ADVERSE ACTION.—For purposes of this title, the term 'adverse action'—

"(1) has the meaning given to such term in section 701(d)(6) of title VII of this Act; and

"(2) includes—

"(A) any denial of insurance for personal, family, or household purposes;

"(B) any denial of employment of any consumer;

"(C) any increase in any charge for, or any reduction in the amount of, insurance for personal, family, or household purposes; and

"(D) any action or determination which—

"(i) is taken or made in connection with an application which was made by, or any transaction which was initiated by, any consumer; and

"(ii) is adverse to the interest of the consumer.".

SEC. 102. AMENDMENTS RELATING TO PERMISSIBLE PURPOSES OF CONSUMER REPORTS.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency" and inserting "(a) IN GENERAL.—Subject to subsection (b), any consumer reporting agency";

(2) in subparagraphs (A), (C), (D), and (E) of paragraph (3) of subsection (a) (as so designated by paragraph (1) of this section) by striking "information in connection with" and inserting "information only in connection with";

(3) in paragraph (3)(B) of subsection (a) (as so designated by paragraph (1) of this section) by striking "information for" and inserting "information only for";

(4) in paragraph (3)(E) of subsection (a) (as so designated by paragraph (1) of this section), by inserting before the period the following: "including a review of any consumer's application for the rental of a dwelling or for check cashing privileges"; and

(5) by adding at the end the following new subsection:

"(b) DISCLOSURES RELATING TO CREDIT AND BUSINESS TRANSACTIONS NOT INITIATED BY THE CONSUMER.—No consumer reporting agency may furnish a consumer report or other information relating to any consumer pursuant to subparagraph (A) or (E) of subsection (a)(3) to any person referred to in such subsection in connection with any credit or business transaction which is not initiated by the consumer unless—

"(1) the consumer authorizes the agency directly to provide such report or other information to such person; or

"(2) the consumer—

"(A) has received notice that information from the consumer's file may be used in connection with any credit or business transaction which is not initiated by the consumer;

"(B) has had an opportunity to notify, directly or indirectly, the agency that the consumer does not consent to the use of information from the consumer's file in connection with any credit or business transaction which is not initiated by the consumer; and

"(C) has not notified the agency, directly or indirectly, of such lack of consent.".

SEC. 103. AMENDMENTS RELATING TO OBSOLETE INFORMATION.

(a) REDUCTION IN TIME PERIOD FOR CERTAIN CONSUMER BANKRUPTCY CASES.—Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended to read as follows:

"(1) Any case arising under—

"(A) title 11, United States Code (other than chapter 13 of such title) or the Bankruptcy Act which, from the date of entry of the order for relief or the date of the adjudication, as the case may be, antedates the report by more than 10 years; or

"(B) chapter 13 of title 11, United States Code, which, from the date of entry of the order for relief or the date of the adjudication, as the case may be, antedates the report by more than 7 years.".

(b) GRADUATED PERIODS FOR INFORMATION RELATING TO OVERDUE PAYMENTS.—

(1) IN GENERAL.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681a(a)) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) Information relating to overdue payments as follows:

"(A) Payments which were not more than 30 days overdue on the date of payment and were made more than 3 years before the date of the report.

"(B) Payments which were more than 30 days but not more than 60 days overdue on the date of payment and were made more than 4 years before the date of the report.

"(C) Payments which were more than 60 days but not more than 90 days overdue on the date of payment and were made more than 5 years before the date of the report.".

(2) TECHNICAL AMENDMENT.—Paragraph (7) of section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681a(a)) (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking "other"; and

(B) by inserting "which is not described in any other paragraph of this subsection and" after "information".

(c) REPEAL OF EXEMPTIONS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking subsection (b).

SEC. 104. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—No consumer reporting agency may prohibit any user of any consumer report furnished by such agency on any consumer from disclosing the contents of such report to such consumer.".

(b) PROCEDURES TO ENSURE ACCURACY OF REPORTS.—Section 607(b) of the Fair Credit Reporting Act (15 U.S.C. 1681e(b)) is amended—

(1) by striking "(b) Whenever a consumer reporting agency" and inserting "(b) ACCURACY OF REPORTS.—

"(1) IN GENERAL.—Whenever a consumer reporting agency"; and

(2) by adding at the end the following new paragraph:

"(2) RECORDS OF PROCEDURES REQUIRED.—Each consumer reporting agency shall—

"(A) maintain detailed records of the procedures established and followed pursuant to paragraph (1); and

"(B) make such records available upon the request of any person.".

(c) RECORD OF PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by inserting after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) RECORD OF PURPOSES CERTIFIED BY USERS OF REPORTS.—Each consumer reporting agency shall—

"(1) maintain a detailed record of the certified purpose for which any consumer report on any consumer, or any other information relating to any consumer, is requested by any person; and

"(2) make such records available upon the request of any person.".

(d) AVAILABILITY OF INFORMATION CONCERNING CONSUMER REPORTING AGENCIES.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by inserting after subsection (d) (as added by subsection (c) of this section) the following new subsection:

"(e) AVAILABILITY OF INFORMATION CONCERNING CONSUMER REPORTING AGENCIES.—Upon the request of any person, any consumer reporting agency shall disclose the following information in a clear and conspicuous manner in a single document:

"(1) The name of the consumer reporting agency and, if applicable, any trade name under which such agency conducts any business as a consumer reporting agency.

"(2) The address and telephone number (including any toll-free telephone number) of the agency.

"(3) The name of each principal officer of the agency, including the name of the consumer representative or liaison of the agency.

"(4) The States in which the agency conducts any business as a consumer reporting agency.

"(5) The date on which the agency was established or incorporated or otherwise commenced to engage in business as a consumer reporting agency (if such date is later than the date of establishment or incorporation).

"(6) A description of—

"(A) the types of consumer information regularly included in consumer reports furnished by the agency; and

"(B) the purposes for which such reports are generally requested and used by the persons to whom the reports are furnished.".

SEC. 105. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) DISCLOSURES REQUIRED TO BE IN WRITING.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by inserting "in writing" after "clearly and accurately disclose".

(b) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(c) MORE DETAILED INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(4) Detailed identification of any person who had access to any information contained in the consumer's file (including any recipient referred to in paragraph (3) in connection with the consumer) including—

"(A) the name of the person and, if applicable, any trade name (written in full) under which such person conducts any business; and

"(B) the city and State in which the person's headquarters or main place of business is located.

(d) SUMMARY OF RIGHTS AND REMEDIES REQUIRED TO BE INCLUDED WITH ANY DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS AND REMEDIES REQUIRED TO BE INCLUDED WITH ANY DISCLOSURE.—

"(1) IN GENERAL.—Any disclosure by any consumer reporting agency to any consumer pursuant to subsection (a) shall include a written and readily understandable summary of all rights and remedies the consumer has under this title.

"(2) FORM OF SUMMARY OF RIGHTS AND REMEDIES.—For purposes of this subsection, sections 606(a)(1)(B), 611(e)(2), 611(e)(3), 613(1), 615(a)(4), and 622(a)(2)(D) of this title, and section 405(b)(1) of title IV, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe, by regulation, the form and content of any summary of the rights and remedies of consumers under this title.

"(3) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The regulations prescribed under paragraph (2) shall require that any summary of the rights and remedies of consumers under this title shall include—

"(A) a brief description of this title and all rights and remedies of consumers under this title;

"(B) an explanation of how the consumer may best exercise the rights and remedies guaranteed under this title; and

"(C) a list of all Federal agencies responsible for enforcing any provision of this title, the address and any appropriate phone number of each such agency, and a brief description of the responsibilities of each such agency (under this title) in a form that will assist the consumer in selecting the appropriate agency under any given circumstance.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c)" before the semicolon.

(B) Section 613(1) of the Fair Credit Reporting Act (15 U.S.C. 1681k(1)) is amended by inserting "and the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c)" before the semicolon.

SEC. 106. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) FIXED PERIOD FOR REINVESTIGATIONS ESTABLISHED.—The 1st sentence of section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended by inserting "(which, except as provided in subsection (f) of this section, shall not exceed 30 days)" after "reasonable period of time".

(b) RECORDS OF PROCEDURES AND REPORTS TO CONSUMERS IN CONNECTION WITH REINVESTIGATIONS.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following new subsection:

"(e) RECORDS OF PROCEDURES AND NOTICES TO CONSUMERS.—

"(1) RECORDS OF PROCEDURES REQUIRED.—Each consumer reporting agency shall—

"(A) maintain detailed records of the procedures established and followed in conducting reinvestigations pursuant to subsection (a), including the standard used to determine whether any dispute filed by any consumer is frivolous or irrelevant; and

"(B) make such records available upon the request of any person.

"(2) NOTICE UPON DETERMINATION THAT A DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) NOTICE REQUIRED.—If any consumer reporting agency determines that any statement of any dispute filed with such agency by any consumer is frivolous or irrelevant, the agency shall promptly send a written notice of such determination to the consumer.

"(B) CONTENTS OF NOTICE.—Any notice sent by any consumer reporting agency to any consumer pursuant to subparagraph (A) shall—

"(i) identify any specific reason relied on by the agency in making the determination referred to in such subparagraph;

"(ii) contain a statement that, because of such determination, the agency will not continue to reinvestigate the accuracy or completeness of the information disputed by the consumer; and

"(iii) contain the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).

"(3) NOTICE UPON COMPLETION OF REINVESTIGATION.—

"(A) NOTICE REQUIRED.—Before the end of the 30-day period beginning on the date any consumer reporting agency completes any reinvestigation pursuant to subsection (a) of any dispute by any consumer, the agency shall send a written notice of the results of such reinvestigation to the consumer.

"(B) CONTENTS OF NOTICE.—Any notice sent by any consumer reporting agency to any consumer pursuant to subparagraph (A) shall—

"(i) describe, if applicable, the information in the consumer's file which was corrected, added, or deleted as a result of the reinvestigation referred to in such subparagraph; and

"(ii) contain the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).".

(c) PROVISIONS APPLICABLE TO REINVESTIGATIONS WHICH CANNOT REASONABLY BE COMPLETED WITHIN 30 DAYS.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by inserting after subsection (e) (as added by subsection (b) of this section) the following new subsection:

"(f) PROVISIONS APPLICABLE TO REINVESTIGATIONS WHICH CANNOT REASONABLY BE COMPLETED WITHIN 30 DAYS.—If any consumer reporting agency determines that any reinvestigation pursuant to subsection (a) of any dispute by any consumer cannot be completed within 30 days despite reasonable efforts by such agency—

"(1) the agency shall promptly send the consumer an interim written notice containing—

"(A) a statement that the reinvestigation cannot be completed within 30 days;

"(B) the reasons for the failure to complete the reinvestigation;

"(C) the agency's estimate of the date by which the reinvestigation will be complete; and

"(D) a statement that the consumer will receive a written notice of the results of the reinvestigation pursuant to section 611(e)(3); and

"(2) the agency may take such additional time as may be necessary, using reasonable efforts, to complete the reinvestigation, subject to regulations which the Federal Trade Commission shall prescribe.".

(d) INCLUSION OF CONSUMER STATEMENT IN CONSUMER'S FILE REQUIRED.—

(1) IN GENERAL.—Section 611(c) of the Fair Credit Reporting Act (15 U.S.C. 1681i(c)) is amended by striking "either the consumer's statement" and all that follows through the period and inserting "the consumer's statement.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 611(b) of the Fair Credit Reporting Act (15 U.S.C. 1681i(b)) is amended by striking "summary" and inserting "statement".

(B) Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking ", codification, or summary".

(e) NOTICE TO PRIOR RECIPIENTS OF INCOMPLETE OR INACCURATE REPORTS.—

(1) IN GENERAL.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "six months" and inserting "1 year".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 609(a)(3)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)(B)) is amended by striking "six-month" and inserting "1-year".

SEC. 107. AMENDMENTS RELATING TO CHARGES.

(a) LIMITATION ON CHARGES FOR CERTAIN CONSUMER DISCLOSURES.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended—

(1) by striking "reasonable charge on" and inserting "reasonable charge (not to exceed $8) on"; and

(2) by striking "prior to making disclosure; and for furnishing notifications, statements," and all that follows through the end of the sentence (in which such term appears) and inserting "before making the disclosure.".

(b) FREE CONSUMER REPORT ANNUALLY UPON REQUEST OF CONSUMER.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following new subsection:

"(c) FREE CONSUMER REPORT ANNUALLY UPON REQUEST OF CONSUMER.—Upon the request of any consumer, any consumer reporting agency shall make all disclosures pursuant to section 609 without charge to such consumer at least once each calendar year.".

(c) OTHER CHARGES PROHIBITED.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by inserting after subsection (c) (as added by subsection (b) of this section) the following new subsection:

"(d) ALL OTHER CHARGES PROHIBITED.—Except as provided in subsection (b), no charge may be imposed on any consumer by any consumer reporting agency.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The 1st sentence of section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended—

(A) by striking "A consumer reporting agency shall" and inserting the following:

"(a) FREE CONSUMER REPORT AFTER ADVERSE NOTICE TO CONSUMER.—Any consumer reporting agency shall"; and

(B) by striking "and furnish all consumer reports pursuant to section 611(d)".

(2) Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by striking "section 609 or 611(d). Otherwise, the consumer reporting agency" and inserting "section 609.

"(b) REASONABLE CHARGES ALLOWED FOR CERTAIN CONSUMER DISCLOSURES.—Except as provided in subsections (a) and (c), any consumer reporting agency".

SEC. 108. AMENDMENTS RELATING TO PUBLIC RECORD INFORMATION.

Section 613(1) of the Fair Credit Reporting Act (15 U.S.C. 1681k(1)) is amended by striking "together with" and inserting "the specific source of the information (including the name of the particular court, if applicable), the date on which such information became public, and".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

Subsection (a) of section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF CONSUMER REPORTS.—If any person which obtains a consumer report on any consumer from any consumer reporting agency takes any adverse action (with respect to such consumer) which is based, in whole or in part, on any information contained in such report, such person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide the consumer with the name and address of the consumer reporting agency which furnished the report to such person;

"(3) provide the consumer with the name and address of each of the 3 largest consumer reporting agencies; and

"(4) provide the written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (12 U.S.C. 1681n) is amended by inserting ", person who furnishes information to any consumer reporting agency," after "consumer reporting agency".

(b) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (12 U.S.C. 1681o) is amended by inserting ", person who furnishes information to any consumer reporting agency," after "consumer reporting agency".

SEC. 111. AMENDMENTS RELATING TO ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The 2d sentence of section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective"; and

(2) by inserting ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule" before the period.

(b) REGULATIONS AND CONGRESSIONAL OVERSIGHT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsections:

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Federal Trade Commission (after consultation with each Federal agency referred to in subsection (b)) shall prescribe such regulations, after notice and opportunity for comment, as may be appropriate to carry out the requirements of this title and prevent evasions of any provision of this title.

"(2) REGULATIONS BY AGENCIES OTHER THAN THE COMMISSION.—The authority of the Federal Trade Commission to prescribe regulations under paragraph (1) shall not be construed as impairing the authority of any agency referred to in subsection (b) to prescribe regulations regarding such agency's own procedures in enforcing compliance with the requirements of this title and the regulations prescribed by the Commission under such paragraph.

"(e) CONGRESSIONAL OVERSIGHT.—The Federal Trade Commission shall submit an annual report to the Congress containing—

"(1) a description of the number and type of complaints received by consumers during the preceding year relating to activities within the scope of this title;

"(2) any recommendation for legislative or administrative action with respect to fair credit reporting and recordkeeping which the Commission may determine to be appropriate; and

"(3) a description of any new development in the field of consumer reporting and recordkeeping.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 621(b) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)) is amended—

(A) by inserting "and any regulation prescribed by the Federal Trade Commission under subsection (d)" after "the requirements imposed under this title"; and

(B) by inserting ", persons who furnish information to consumer reporting agencies," after "consumer reporting agencies".

(2) Section 621(c) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)) is amended—

(A) in the 1st sentence, by inserting "or any regulation prescribed by the Federal Trade Commission under subsection (d)" after "any requirement imposed under this title"; and

(B) in the 2d sentence, by inserting "or any regulation prescribed by the Federal Trade Commission under subsection (d)," after "any requirement imposed under this title".

SEC. 112. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 622 as section 623 and inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) NOTICE OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) NOTICE REQUIRED.—In the case of any person who, in the usual course of conducting any business (including the rental of residential property), regularly furnishes information about any consumer to any consumer reporting agency, such person shall give notice of such fact in writing to the consumer before providing any information about such consumer to any consumer reporting agency.

"(2) CONTENTS OF NOTICE.—Any written notice provided to any consumer by any person pursuant to paragraph (1) shall contain the following information:

"(A) A description of the type of information which may be furnished to any consumer reporting agency.

"(B) A description of the times at which or the circumstances under which any information is furnished to any consumer reporting agency.

"(C) A statement that the consumer should promptly notify such person if the consumer finds any incomplete or inaccurate information contained in any periodic statement or other document provided to the consumer by such person in order to prevent the incomplete or inaccurate information from being furnished to any consumer reporting agency.

"(D) The written summary of the rights and remedies of the consumer prepared pursuant to section 609(c).

"(b) PROCEDURES TO ENSURE MAXIMUM POSSIBLE ACCURACY OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) IN GENERAL.—Whenever any person, in the course of conducting any business (including the rental of residential property), furnishes any information about any consumer to any consumer reporting agency, such person shall follow reasonable procedures to assure the maximum possible accuracy of such information.

"(2) RECORDS OF PROCEDURES REQUIRED.—Each person referred to in paragraph (1) shall—

"(A) maintain detailed records of the procedures established and followed pursuant to such paragraph; and

"(B) make such records available upon the request of any person.".

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended by redesignating the item relating to section 622 as section 623 and inserting after the item relating to section 621 the following new item:

"622. Responsibilities of persons who furnish information to consumer reporting agencies.".

SEC. 113. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

(b) PENALTY PROVISIONS.—The amendments made by section 110 shall apply with respect to violations committed after the effective date of such amendments.

(c) REGULATORY AUTHORITY.—Notwithstanding subsection (a), the authority of the Federal Trade Commission and any Federal agency referred to in section 621(b) of the Fair Credit Reporting Act to prescribe regulations which are required under any amendment made by this title or which may be appropriate to implement the amendments made by this title shall become effective on the date of the enactment of this Act.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purpose.
"403. Definitions.
"404. Prohibited practices by credit repair organizations.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Jurisdiction of courts: limitation of actions.
"411. Administrative enforcement.
"412. Relation to State law.

"§ 401. Short title

"This title may be cited as the 'Credit Repair Organizations Act'.

"§ 402. Findings and purpose

"(a) The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) The purposes of this title are to provide prospective buyers of the services of credit repair organizations with the information necessary to make an informed decision regarding the purchase of those services, and to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"§ 403. Definitions

"As used in this title—

"(a) the term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity;

"(b) the term 'consumer' means an individual;

"(c) the adjective 'consumer', used with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes; and

"(d) the term 'credit repair organization' means any person, who, with respect to the extension of consumer credit by others, sells, provides or performs, or represents that he can or will sell, provide or perform, in return for the payment of money or other valuable consideration, a service for the express or implied purpose of improving a consumer's credit record, credit history, or credit rating; obtaining an extension of consumer credit for a consumer; or providing advice or assistance to a consumer with regard to a consumer's credit record, credit history or credit rating.

The term 'credit repair organization' does not include—

"(1) a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board, or, a depository institution chartered by a State;

"(2) any nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

"(3) a licensed real estate broker acting within the course and scope of that license;

"(4) a licensed attorney at law rendering services within the course and scope of that license;

"(5) any broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission acting within the scope of the Securities and Exchange Commission or the Commodity Futures Trading Commission regulations;

"(6) any consumer reporting agency as defined in title IV of this Act, acting within the course and scope of that title; or

"(7) any debt collector as defined in title VIII of this Act, acting within the course and scope of that title; and

"(e) the term 'extension of credit' means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

"§ 404. Prohibited practices by credit repair organizations

"A credit repair organization, its employees and agents shall not—

"(a) charge or receive any money or other valuable consideration prior to completion of the services the credit repair organization has agreed to perform for the consumer, unless the credit repair organization has obtained a surety bond of $50,000 issued by a surety company admitted to do business in the State in which the credit repair organization is doing business;

"(b) charge or receive any money or other valuable consideration solely for referral of the consumer to a retail seller who will or may extend credit to the consumer if the credit which is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

"(c) make, counsel, or advise any consumer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a consumer or to whom a consumer is applying for an extension of credit with respect to the consumer's creditworthiness, credit standing, or credit capacity; and

"(d) make or use any untrue or misleading representations of the services of a credit repair organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit repair organization.

"§ 405. Disclosures

"(a) Before the execution of a contract or agreement between a consumer and a credit repair organization or before the receipt by the credit repair organization of any money or other valuable consideration, whichever occurs first, the credit repair organization shall provide the consumer with a written statement that clearly and conspicuously discloses to the consumer all the information required by subsection (b) to the extent applicable.

"(b) The statement required by subsection (a) shall include—

"(1) a complete and accurate statement of the consumer's right to review any file on the consumer maintained by any consumer reporting agency, as provided under title IV of this Act, including a statement that the consumer may review his or her consumer reporting agency file at no charge if a request is made to the consumer reporting agency within thirty days after receiving notice that credit has been denied, the approximate price the consumer will be charged by the consumer reporting agency to review the information contained in his or her consumer reporting agency file, and a complete and accurate statement of the consumer's right to dispute the completeness or accuracy of any item contained in any file on the consumer maintained by any consumer reporting agency;

"(2) a complete and detailed description of the services to be performed by the credit re-

pair organization for the consumer and the total amount the consumer will have to pay, or become obligated to pay, for the services; and

"(3) a statement of the consumer's right to proceed against any bond required under section 404 and the name and address of the surety company that issued the bond.

"(c) A credit repair organization shall retain evidence of compliance with this title for two years after the date disclosures are required to be made or action is required to be taken.

"§ 406. Credit repair organizations contracts

"(a) Each contract between a consumer and a credit repair organization for the purchase of the services of the credit repair organization shall be in writing, dated, signed by the consumer, and include—

"(1) the terms and conditions of payment, including the total of all payments to be made by the consumer, whether to the credit repair organization or to some other person;

"(2) a full and detailed description of the services to be performed by the credit repair organization for the consumer, including all guarantees and all promises of full or partial refunds, and the estimated date by which the services are to be performed, or estimated length of time for performing the services;

"(3) the credit repair organization's name and principal business address; and

"(4) a conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract: 'You, the buyer, may cancel this contract at any time prior to midnight of the third day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right.'.

"§ 407. Right to cancel contract

"(a) The consumer shall have the right to cancel any contract with a credit repair organization until midnight of the third business day following the consummation of the transaction, or the delivery of the information and cancellation forms required under this section together with a statement containing the material disclosures required under this title, whichever is later, by notifying the credit repair organization of his intention to do so.

"(b) Each contract shall be accompanied by a completed form in duplicate, captioned 'Notice of Cancellation', that shall contain in bold face type the following statement written in the same language used in the contract:

"You may cancel this contract, without any penalty or obligation within three business days from the date the contract is signed.

"If you cancel, any payment made by you under this contract will be returned within ten days following receipt by the seller of your cancellation notice.

"To cancel this contract, mail or deliver a signed dated copy of this cancellation notice, or any other written notice to (name of credit repair organization) at (address of credit repair organization) not later than midnight (date)

I hereby cancel this transaction,

(date)

(purchaser's signature).

"(c) The credit repair organization shall give to the consumer a copy of the completed contract and all other documents the credit repair organization requires the consumer to sign at the time they are signed.

"§ 408. Noncompliance with this title

"(a) Any waiver by a consumer of the protections of this title is void. Any attempt by a credit repair organization to have a buyer waive rights given by this title is a violation of this title.

"(b) Any contract for services which does not comply with the applicable provisions of this title shall be void and unenforceable as contrary to public policy.

"§ 409. Civil liability

"(a) Any credit repair organization which fails to comply with any provision of this title with respect to any person is liable to that person in an amount equal to the sum of—

"(1) any actual damages sustained by such person as a result of such failure, but in no case less than the amount paid by the person to the credit repair organization;

"(2)(A) in the case of any action by an individual such additional amounts as the court may allow; or

"(B) in the case of a class action, (i) such amount for each named plaintiff as could be recovered under subparagraph (A), and (ii) such amount as the court may allow for all other class members, without regard to a minimum individual recovery; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fees as determined by the court.

"(b) In determining the amount of liability in any action under subsection (a), the court shall consider, among other relevant factors—

"(1) in any individual action under subsection (a)(2)(A), the frequency and persistence of noncompliance by the credit repair organization, the nature of such noncompliance, and the extent to which such noncompliance was intentional; or

"(2) in any class action under subsection (a)(2)(B), the frequency and persistence of noncompliance by the credit repair organization, the nature of such noncompliance, the number of persons adversely affected, and the extent to which the credit repair organization's noncompliance was intentional.

"§ 410. Jurisdiction of courts: limitation of actions

"An action to enforce any liability created under this Act may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this Act to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this Act, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

"§ 411. Administrative enforcement

"Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to credit repair organizations. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to credit repair organization subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"§ 412. Relation to State law

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.".

SEC. 202. EFFECTIVE DATE.

The amendment made by section 201 shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

H.R. 4213—CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990 FACT SHEET

INTRODUCTION

The bill has two titles. Title I would amend the Fair Credit Reporting Act (FCRA). Title II incorporates H.R. 56, the Credit Repair Organizations Act, in its entirety. A brief overview of both titles follows.

BRIEF OVERVIEW OF MAJOR PROVISIONS IN TITLE I

1. Prescreening disclosure [section 102]—A new paragraph would be added that would prohibit reporting agencies from providing information without the consumer's express permission in connection with a transaction not initiated by the consumer (such as when a consumer's file is used for prescreening purposes) unless two requirements are met.

The first requirement is that the consumer must have had notice that information from his or her file may be used in connection with transactions the consumer has not initiated. Second, the consumer must have had an opportunity to register lack of consent to such use and failed to so register.

Current law contains no reference to prescreening. In terms of when a reporting agency may furnish a report, no distinction is made between furnishing a report in connection with a transaction initiated by the consumer or furnishing one for the purpose of soliciting the consumer for a transaction. Rather, the current law states that reports may be furnished in connection with credit or business transactions "involving" the consumer.

2. Reporting of negative information [section 103(b)]—The current law's rule allowing negative credit information to be reported for seven years (except for bankruptcy which is reportable for ten years) would be modified so that shorter periods would apply to overdue payments information. For example, the fact that a certain payment on an account was thirty days late would be reportable only for three years, not the standard seven.

3. Written disclosure to consumer of all information in file [section 105 (a) and (b)]—

The bill would amend the current law so that a consumer would have the right to access all information in the consumer's reporting agency file and to receive the copy in writing.

Current law mandates that a reporting agency provide only the "nature and substance" of information in the file, and does not require that this disclosure be in writing.

4. Summary of consumer rights and remedies [section 105(d)]—A new paragraph would be added to require that every time a consumer receives a disclosure mandated by the FCRA, the consumer must also be given a written summary of all consumer rights and remedies guaranteed by the FCRA. The form and content of this summary would be prescribed by the Federal Trade Commission (FTC) in consultation with other federal agencies although the bill specifies certain information that must be included.

There is no requirement in the present law that consumers be notified of their rights under the law except as to specific rights arising in certain limited situations.

5. Time limit on reinvestigations [section 106(a) and (f)]—The bill would amend the current law's requirement that a reinvestigation of disputed report information take place within a "reasonable" time by setting a thirty day time limit on reinvestigations. An exception would be available if a reporting agency, after reasonable efforts, is unable to complete the reinvestigation and meets certain requirements including notifying the consumer of the delay.

6. Disclosures related to reinvestigations [section 106(b)]—New notices to consumers relating to reinvestigations would be added. Under current law, there is no requirement that a consumer be notified once a reinvestigation is completed, nor must a consumer be notified when a reporting agency refuses to conduct a reinvestigation.

The bill would require a written notice to the consumer in both instances. The notice that would be required upon completion of a reinvestigation would have to include a description of information corrected, added, or deleted as a result of the reinvestigation. The notice required when a reporting agency refuses the consumer's request to reinvestigate would have to include the agency's specific reason for the refusal.

7. Charges for reports [section 107 (a), (b) and (c)]—Several new provisions would be added related to charges. First, section 107(of the bill would add a new provision that would give consumers the right to receive, upon request, one free copy of their report annually. Current law allows a free report upon request only when a user takes certain adverse actions based on information in a report. (The right created by the bill would be for a report in addition to any report(s) requested subsequent to adverse action.

Second, section 107(a) of the bill would limit the amount consumer reporting agencies could charge consumers for additional copies of their report to $8. This is the same limit that is currently part of California law. Under current law, reporting agencies are allowed to impose "reasonable" charges on consumers for providing copies of reports.

Third, section 107(c) would prohibit any charges to consumers beyond those allowed for furnishing reports. Current law contains prohibitions on certain specified charges.

8. Circumstances triggering notice by user of report [section 109 and 101]—Under present law a user of a consumer report is required to notify a consumer that a report was used when the user takes adverse action with regard to the consumer based on information in a report. The notice must give the consumer the name and address of the reporting agency that furnished the report. However, this notice is required only in connection with certain adverse actions. For example, while the notice is required when a user refuses to grant a consumer's credit application, the notice requirement is not triggered when a user refuses to grant a consumer's rental application.

The bill would expand the notice requirement so that the notice would be required whenever a user takes any adverse action based on information in a consumer report. The bill would create a new definition—"adverse action"—to accomplish this purpose.

9. Implementing regulations and report to Congress [section 111(B)].—The bill would provide authority so that regulations would be issued to implement the FCRA. Currently there are no regulations because no federal agency has authority to issue regulations. The bill would grant the authority to the FTC as the agency already empowered with greatest administrative responsibility under the law.

In addition, the bill would direct the FTC to submit an annual report to Congress detailing consumer reporting complaints and industry developments in the previous year and offering legislative recommendations related to consumer reporting, if appropriate. No reporting requirement exists in present law.

10. New requirements for persons who furnish information to reporting agencies [section 112]—A new section would be added to the law so that persons who routinely furnish reporting agencies with the information that is used in consumer reports would have responsibilities under the FCRA. An example of persons likely to be covered by these provisions would be creditors with whom the consumer maintains an account.

The first requirement that would apply to persons who furnish information to reporting agencies would be that such persons must give notice to a consumer before providing information on that consumer to any reporting agency. The notice would have to include a description of the kinds of information that the person may furnish and what would trigger the furnishing of that information. The notice would also have to include a reminder to the consumer to promptly indicate any inaccuracies in his or her monthly statement in order to avoid inaccuracies surfacing in a consumer report. In addition, the consumer would have to be given the same written summary of consumer rights and remedies that the bill would require be included with any other disclosure mandated by the FCRA.

Persons who furnish information to reporting agencies would also be required to follow reasonable procedures to assure the maximum possible accuracy of the information they furnish, as is required of consumer reporting agencies under current law. Records of these procedures would have to be maintained.

BRIEF OVERVIEW OF PROVISIONS IN TITLE II

1. Prohibited practices [section 201-sec. 401]—No federal law presently regulates credit repair organizations. The bill would define credit repair organizations as persons who offer for-profit assistance to consumers in improving their credit histories or ratings or in obtaining credit. The bill would prohibit such persons from requiring advance payment for services unless the organizations posted a surety bond. In addition, misleading statements about services would be prohibited, and counseling consumers to mislead reporting agencies or creditors would be prohibited as well.

2. Disclosures to consumers [section 201—sec. 405]—The bill would mandate that credit repair organizations make several disclosures to consumers before contracting or accepting payment for services. The required disclosures include: a description of relevant FCRA-guaranteed rights; a description of services to be performed and their cost; and, a statement of the consumer's right to proceed against any required surety bond.

3. Contracts with consumers [section 201-sec. 406]—The bill would require that any contract for service between a credit repair organization and a consumer must contain the following: the terms and conditions of payment; a description of services to be performed; the name and address of the credit repair organization; and a statement that the consumer has three days to cancel the contract and get a full refund.

BAD HISTORY: CREDIT-REPORT FIRMS FACE GREATER PRESSURE; ASK NORWICH, VT, WHY

(By Michael W. Miller)

One day this summer, TRW Inc. turned the affluent village of Norwich, Vt., into a town of deadbeats.

Suddenly, for no apparent reason, all 1,400 Norwich taxpayers were red-flagged as high credit risks in TRW's nationwide network of credit records. Within a week, Norwich was beset by an epidemic of personal-finance crises.

A doctor couldn't use his credit card on his vacation in Alaska. At the annual town fair, a banker found himself cornered at the bumper-car ride by an anguished jewelry-store owner whose mortgage application had inexplicably run into trouble. The town clerk's office was deluged with calls from worried banks around New England. Finally, a week later, the town clerk tracked down an alarmingly simple mistake that caused the turmoil.

"It's a very devastating kind of feeling," says Richard Brooks, a Norwich law professor who learned his credit report was tainted just as he was applying for a loan to renovate his turn-of-the-century clapboard home. "Our entire life style is based to a lesser or greater extent on credit, so it was like a slight tremor of the earth."

RISE IN COMPLAINTS

More people than ever are feeling tremors from the billion-dollar credit-reporting industry, an invisible but vital force in the life of every American consumer. The industry has become the No. 1 source of consumer complaints in America, ahead of auto defects and debt collectors, according to the Federal Trade Commission, which saw credit-reporting complaints shoot up 50% to 9,000 last year. Consumer groups are assailing the industry for littering reports with errors, ignoring efforts to correct them and selling their sensitive data to junk-mailers. And 14 states are suing TRW for a long list of alleged injuries to consumers.

Next month, Congress expects to hold hearings on a package of tough new provisions on accuracy and accessibility in credit-reporting—moves the industry is fiercely fighting.

Behind this uproar is a trio of information giants keeping detailed records of every American consumer's bill-paying habits. These records are more important than ever to people's access to loans, credit cards and sometimes even jobs. But the industry's

inner workings are more chaotic—and more stacked against the consumer—than most people know.

EASILY ACCESSIBLE

In fact, credit-reporting companies have an economic incentive not to clean up their errors, because banks and stores like to buy the longest reports with the most derogatory data.

The credit-reporting network has become so far-flung and automated that sensitive data on consumers' private finances has become easily available to anyone with a password and a personal computer.

The three companies—TRW, Equifax Inc., and Trans Union Corp.—often operate with minimal public accountability. This year a study found that consumers who complained about credit reports to the FTC had spent an average of nearly 23 weeks vainly trying to get their files corrected. The system is so incomprehensible to most consumers that TRW runs a busy service charging extra to explain how to obtain and read its own credit reports.

In response, the industry argues that critics focus too much on its occasional errors and overlook the majority of American consumers who are well served. It also makes the point that credit-reporting performs an indispensable service in the modern economy, giving Americans access to credit with unparalleled speed and convenience. "Without this industry, the life style people enjoy today wouldn't be possible," says D. Van Skilling, the TRW executive vice president who oversees its credit-reporting business.

The top executives of Equifax, Trans Union and TRW all say in interviews they are determined to improve their accuracy and are investing heavily on state-of-the-art software to run their complex networks. Earlier this year, Equifax and TRW also announced ambitious plans to improve their consumer-relations staffs.

QUESTIONS FROM A "HOSTESS"

Credit-reporting companies have been minding other peoples' business for nearly a century, and they have always been a little furtive. Jim Chilton of Dallas created one of America's first credit bureaus in the 1890s by strolling downtown with a little red notebook, chatting up store owners and then asking, "By the way, do you know anything about Mr. So-and-So?"

As recently as 1971, a Washington, D.C., credit bureau hired "hostesses" to greet new arrivals to town with a "Welcome Newcomer Service." After offering some gifts and friendly gossip, the hostesses would gently steer the conversation to the new family's income and debts.

Today, technological and social changes have transformed the industry. Now, hundreds of local credit "bureaus" have been electronically linked into the three national networks, each with files on 150 million consumers. A torrent of data from stores, banks and other creditors flows into these files: two billion updates on individuals' activities every month.

In a credit-crazed society, demand for these reports has exploded. The industry sells about 1.5 million reports a day, not just to banks and stores but also to employers, insurers, car dealers and landlords. In this information blizzard, errors are common. In 1989, the most recent year the system was studied, nine million consumers checked their credit files. About three million found information they thought was wrong or out-of-date.

JOSE, NOT JOSEPH

Joseph Pazos of West New York, N.J., a typical example, says he checked his credit report in 1987 after he was turned down for a credit card. He found the report was littered with negative information about his father, Jose Pazos, who lives at the same address. The younger Mr. Pazos obtained letters from more than a dozen of his father's old creditors, stating that their dealings were with Jose, not Joseph. He even changed his mailing address to a post-office box in another town.

But four years later, he says his father's data is still cluttering his reports. Meanwhile, he has been turned down for two more credit cards and a student loan. The loan fell through just before he was going to start bachelors-degree night courses, and he had to postpone them for a year.

The mayhem was even greater in Norwich, a comfortable community of doctors and professors, with a town green so picturesque it's featured in Disney theme parks as the quintessential vision of New England Americana.

When Karen Porter, a quilt maker who serves as town clerk, heard that so many people seemed to be having sudden credit problems, she called TRW, leaving six urgent messages over the course of a week. A week later, TRW called back, and the mystery began to clear up. The trail led to an unlikely source: A Vermont housewife named Margaret Herr.

Ms. Herr worked part-time for a little Georgia company that looks up public records for TRW and others. It sent her into the Norwich town office to look up the names of delinquent taxpayers. There, she got the list of tax receipts—not tax delinquencies—and carefully wrote down the names of all 1,400 residents who had paid their taxes.

ISOLATED SITUATION

Ms. Porter thinks Norwich's family finances are back to normal now, but she's not sure. A TRW spokesman told the local newspaper that "no huge number, probably less than 3,000 people," were affected by the error, small comfort to the town of 3,100.

Ms. Herr confirms this account but declines further comment. TRW says the Norwich files were cleaned up five days after the company spoke to Ms. Porter, and calls the Norwich foul-up "a very isolated situation."

In fact, credit-reporting companies may actually get rewarded in the marketplace for including mistakes. The reason: Banks and stores often want to buy credit reports from the company that has the most negative information on any consumer. They don't want to miss any red flags that make the consumer look like a bad risk, says Ralph Spurgin, the top credit executive at the limited clothing store chain.

"If your report has more bad stuff than the other guy's, I think I like that," Mr. Spurgin says. A credit bureau that invests in keeping errors down, he says, only makes its reports skimpier and thus less attractive to credit-report buyers.

Many of the errors originate from the banks and stores themselves, which often drag their feet about correcting them. Both industries are fighting a proposed federal law to make them legally liable for errors they supply. Meanwhile, the credit-reporting industry is ill-inclined to put pressure on banks and stores, because that's who their customers are.

"The credit bureaus are going to operate in a way that is most convenient for themselves and their business customers, and too often the consumer is just in the way," say Stephen Gardner, the Texas assistant attorney general leading the states' lawsuits against TRW. The suits, which are pending, charge TRW with systematically putting data into the wrong consumers' files and reinserting errors even after consumers correct them, allegations the company denies.

Consumers who try to correct errors often run into a snarl of red tape, U.S. Public Interest Research Group, a consumer organization, studied FTC complaints and found that nearly two-thirds of consumers who made them had contacted credit bureaus five times or more with no relief. Instead, they typically get responses like the eight-line form letter E.J. Malone recently received from Trans Union. The Memphis businessman wrote after he was turned down for a Texaco credit card to point out a list of mistakes on his report.

"Dear Consumer," Trans Union replied, "It is our policy to only add information to our files that comes from reporting members of our service who have certified to us the validity of their information. Unfortunately, the trade information which you requested to have added to our files does not meet that criteria."

Trans Union says it is currently revamping letters like this one to make them "more customer-friendly."

For decades, credit bureaus routinely refused to show consumers the data in their files. The Fair Credit Reporting Act of 1971, the main federal law covering the industry, declared that consumers have a right to inspect their credit files. But the industry hasn't made it easy. The three big companies normally accept requests for a file only by mail or in person, and usually charge $10 to $20 per disclosure. (By law, anyone turned down for credit can get a free report.)

The reports themselves are forbidding printouts thick with confusing column headings and impenetrable codes: "ORIGL SEC UNK+25200$33389 SCH MONTH PAY $261. . . ." Buried in there is revealing information about a mortgage's amount, terms, balance due and payment record over the past year.

TRW actually makes extra millions from the very fact that its reports are so unfathomable. It sells a service to help consumers make sense of their TRW reports. Its aggressive promotions for this service, marketed under the names Monitor and Credentials, brag about how murky credit reports are. "Most people have never seen a copy of their TRW credit report. Perhaps because it seemed too difficult to obtain," declares one brochure. "We tell you how to decipher it—so you can understand precisely what it says," promises another.

TRW defends the services as a way to offer extra benefits for "consumers who are very credit-active." It also says it's spending a lot of money to make its entire system more accessible to all consumers, with extra staff and 800 phone numbers.

IMPOSSIBLE TO CONTROL

If it's tough for consumers to see their own files, it's all too easy for other people to see them. The industry distributes most of its reports electronically, direct to a customer's computer terminal. It says it takes pains to grant access only to people with legal rights to credit reports, a group the 1971 federal regulation generally limits to creditors, employers, insurers and just a few others. But having set up a powerful broadcast network, industry executives admit it has become impossible to control completely.

Philip Young, a Cherry Hill, N.J., businessman who spent five years as a computer-in-

dustry "headhunter," says he commonly checked out credit reports of prospects he was trying to lure to a new job. He didn't have his own computer account that gave him access to a credit reporting network, but a friend who worked a block away did. The report was full of valuable data that helped Mr. Young hunt heads: home phone numbers, spouses' names and, best of all, a list of every company that recently looked at the file. Since many companies do credit checks on prospective employees, Mr. Young could easily spot when the subject was being considered for a new job.

Mr. Young would call a target at home and say, "I have been told by very reliable sources that you're looking at several good companies, for example IBM and Prime Computer. . . . Wouldn't it be common sense to listen to my client too and see if they make a better offer?"

Public criticism has put the industry's three big players on the defensive. TRW, part of a Cleveland aerospace and autoparts giant, has argued that its errors are the result of credit granters and even consumers themselves. Asked about TRW's alleged errors, its executive Mr. Skilling talks about how difficult it is to sort data about people who move from one address to another and don't always use the same name: "We have to figure out whether Katherine who lived in Long Beach is the same as Kathy in Dallas, whose name might be spelled with a 'K' sometimes and a 'C' sometimes."

At Trans Union, a closely held firm so low-profile its name appears nowhere on the outside or inside of its Chicago headquarters, executives suggest that many consumer complaints are simply false. "When you do the research and get into them, the teller of the story isn't always being accurate," says President Allen Flitcraft, a genial former IBM manager.

DATA FOR JUNK MAILERS

Of the three, Equifax has responded with the most sweeping, specific promises to improve its operations. The 92-year-old Atlanta company says it's spending $9 million to set up a national toll-free number available 15 hours a day for ordering credit reports and handling disputes. It plans to redesign its reports to make them easier to understand.

Earlier this year, Equifax also agreed to get out of one of the industry's most controversial practices: selling names, addresses and some limited financial data to direct-mailers. TRW and Trans Union are still active in that sideline, which the states' lawsuits call an illegal use of credit data.

The proposed revisions of the 1971 federal law include steps that would explicitly ban sales to junk-mailers, along with several other changes designed to help consumers. One would require credit reports to be offered free, or at a more reasonable price than the current $10 to $20. Another would narrow language that allows the sale of credit reports to anyone with a "legitimate business need."

Industry lobbyists argue that there are better ways to improve the system, chiefly educating consumers and credit granters to supply more compete and consistent data. One change they support: stiffer penalties for illicit users of credit reports. Overall, the industry trade group argues that the 1971 law has served the American people very well" and "fueled the expansion of the American economy."

GUARDING YOUR GOOD NAME

(By Jane Bryant Quinn)

It has been said that human beings occasionally stumble over the truth, but most of the time they just pick themselves up and swagger on. To me, that's a fair description of the consumer-credit-reporting services.

Over the years, case after unhappy case has come to the industry's attention, where errors in personal-credit reports have ruined hopes and sometimes lives. Yet the credit bureaus didn't pay much attention because the overall system functioned well.

Creditworthy Americans can almost certainly thank automated credit reporting for their easy access to bank cards and loans. Still, when the system fails—and it does far more often than the industry concedes—it is people, not printouts, who suffer the consequences. Last April, Paul K. Jacques in Wyoming won a $290,000 judgment against TRW, one of the largest credit bureaus, which mixed up his credit history with that of his father and cost him a car loan. That decision is still being contested. TRW has also been hauled to court by 11 states which charge—among other things—that it persistently fails to fix bad consumer files. Denying all charges, TRW has countersued.

James Williams of Consolidated Information Services in Flanders, N.J., who double-checks credit-bureau information for mortgage companies, says he's sitting on a pile of consumer-credit reports that he found errors in. In a group of 1,500 credit files, Williams says, 647 mortgage applications were delayed while mistakes were investigated.

Quinn bits: One common problem is for information from one person's file to land on someone else's credit report. That happens, in part, because of the way that computers work. Millions of bits of information, belonging to millions of different people, are always swirling around in the system. When someone asks for a file on Jane Bryant Quinn, all the Quinn bits rush to the screen like iron filings to a magnet and compose themselves into a report.

But records from unrelated Quinns may rush there, too. Should a doppelgänger named "Jayne Quin" have an address that resembles mine, the computer might conclude that we're one and the same. That's because credit bureaus can't afford to be letter perfect. Their computers have to allow for the chance that one's legitimate creditors might misspell your name or address. So they look for a predetermined number of matches and disregard other discrepancies. Result: people with good credit histories sometimes find themselves joined at the hip with a deadbeat who shares nothing but their name and hometown.

You probably thought, as I did, that like-named people can easily be separated by their social-security numbers. But that's not always so. Credit bureaus might give those numbers short shrift, just in case they were entered wrong.

That used to be Equifax's philosophy. But since March says Equifax's John Ford, the bureau's new, improved identification system makes social-security numbers just as important as name, address, former address and several other personal identifiers. This change has cut down tremendously on the number of mismatched files, Ford says. Consumers can help by using only one form of their name when applying for credit: always "Robert G. Smith," say, not a mixture of Robert, R.G. and Bob.

Incorrect credit reports aren't always fatal. If you're wrongly denied a credit card, you can clear up the record and apply again. but the damage is painful and permanent when an error denies you a job.

If you're hunting for work, it may not cross your mind that employers are pulling your credit report. They do it to check out your character. Legally, you're supposed to be told if that report talked someone out of hiring you. But many companies aren't obeying the law. The Federal Trade Commission recently extracted a consent agreement from Electronic Data Services, a subsidiary of General Motors, which, it charged, had been keeping mum about its use of credit reports. Jean Noonan, who has pursued this issue for the FTC, says that more such cases are coming up.

A loophole: The percentage of errors on credit reports is in dispute. Credit bureaus cite rates under 1 percent; some consumer groups charge that it's 30 to 40 percent. One widely used number, by consumers and industry alike: around one third of the people who ask for their credit reports find something missing or wrong. That's pretty high. You should, by all means, see if errors exist in your own credit record before applying for a loan, starting a business, buying a house or looking for work. Potential landlords may also check your credit report before renting you an apartment. A loophole in the law lets them turn you down without telling you that the report was to blame.

In Congress, reform proposals are on the boil. To defuse them, credit bureaus are frantically correcting their systems. Among the proposed improvements tardily coming your way: (1) Free reports from all three major bureaus—TRW, Equifax and Trans Union.—if you're turned down for credit based on a report from one of them. Right now, only the first report would be free; the rest would cost anywhere from $2 to $20. (2) Ways of sharing corrections, so that once you've spent months straightening out your Trans Union report, you won't have to start again with Equifax. (3) Nationwide 800 numbers, announced by TRW and Equifax but still in the planning stage at Trans Union. Equifax is also working on a whole new system for treating consumers better, which will start in December.

Still, Congress should act—first, by giving consumers a free look at what the credit bureaus are saying about them. As it stands, a married couple might have to pay as much as $90 to $120 to see if their histories are clean, and another $90 to $120 to find out if the errors were erased.

Just as important, the fair-credit-reporting laws should be further extended to banks, stores and other creditors. Today only credit bureaus are required to correct errors speedily. Yet many of these mistakes originate with the credit granters, who can be rude, recalcitrant and disbelieving when consumers go to them to complain. The FTC tells of one woman who canceled a bank card in order to avoid a $20 fee. In the regular billing cycle she was charged $20 anyway. When she didn't pay, the bank reported her in arrears. There's definitely gotta be a law.•

By Mr. D'AMATO (for himself, Mr. DECONCINI, and Mr. DOMENICI):

S.J. Res. 211. Joint resolution designating October 1991 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

• Mr. D'AMATO. Mr. President, I rise today along with Senator DECONCINI and Senator DOMENICI to introduce a joint resolution proclaiming the month

of October 1991 as "Italian-American Heritage and Culture Month."

I can think of no better month to pay tribute to these people of proud heritage, for it was in October that an Italian first set foot on this continent. On October 12, 1492, the great explorer, Christopher Columbus, discovered the New World and opened the door for worldwide immigration to this country. Also, it was the famous Italian navigator, Amerigo Vespucci, that our Nation was named for.

Italians have also made countless contributions in every field of human endeavor. They have given us the musical works of Puccini, Verdi, Vivaldi, and Scarlatti; the wondrous literary works of Dante and the awe inspiring art works of Michaelangelo, Leonardo da Vinci, and Giotto. In the field of science, it was Marconi who made modern radio communications possible.

We can also take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our country and lives. New Yorkers will never forget Fiorello LaGuardia, who was the beloved mayor of New York City for 11 years. In 1986, Antonin Scalia was confirmed as an Associate Justice of the U.S. Supreme Court. Also, Enrico Fermi was the winner of the 1938 Noble prize for physics. In the world of sports, we will never forget the immortal Joe DiMaggio.

As the grandson of Italian immigrants, I am proud of my heritage and cultural background. America is truly a melting pot of cultures and that is what makes our country so unique and great. For all of these reasons I urge my colleagues to support this resolution.

I ask unanimous consent that the 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. 211

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas, in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved mayor of New York city, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1991 special attention will be directed at National, State, and local programs that promote Italian Heritage and Culture: 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 "Italian-American Heritage and Culture Month", 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 the day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 1120

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1120, a bill to provide for a demonstration project to examine whether having a respiratory care practitioner available to provide assistance in a home setting would reduce the overall costs under Medicare of providing care to pulmonary disease patients by decreasing hospitalization rates for such patients.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1357, supra.

S. 1372

At the request of Mr. GORE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1424

At the request of Mr. CONRAD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1505

At the request of Mr. DECONCINI the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr., Federal Holiday Commission.

S. 1563.

At the request of Mr. KERRY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 1623

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 1732

At the request of Mr. DASCHLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of leased employees, and for other purposes.

S. 1736

At the request of Mr. SASSER, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1736, a bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to endure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the Medicare program, and for other purposes.

S. 1777

At the request of Mr. WOFFORD, his name was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of the Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations, Week" for 1992.

SENATE JOINT RESOLUTION 147

At the request of Mr. LEAHY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 147, a joint resolution designating October 16, 1991, and October 16, 1992, as "World Food Day."

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Ohio [Mr. GLENN], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. GARN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Wyoming [Mr. SIMPSON] 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 184

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating the month of November 1991, as "National Accessible Housing Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the names of the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. MCCAIN], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. WALLOP], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mr. MACK], the Senator from California [Mr. SEYMOUR], the Senator from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. GORE], the Senator from Georgia [Mr. FOWLER], the Senator from Nevada [Mr. BRYAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 202

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor 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 Missouri [Mr. DANFORTH], the Senator from Colorado [Mr. BROWN], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. DECONCINI, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 208, a joint resolution to designate October 15, 1991, as "Up With People Day."

SENATE RESOLUTION 187—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 187

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the One Hundred Second Congress; that said manual shall be printed as a Senate Document; and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, and one thousand copies shall be bound and delivered as may be directed by the Committee on Rules and Administration.

SENATE RESOLUTION 188—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 188

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate document 101-26, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 189—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF NOMINATION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 189

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate document 100-24, and that such document shall be printed as a Senate document.

SEC. 2. there shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 190—AMENDING THE STANDING RULES OF THE SENATE

Mr. HELMS (for himself and Mr. LOTT) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 190

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years.

At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

Mr. HELMS. Mr. President, I am going to send a Senate resolution to the desk for appropriate referral, and I am not going to make any remarks on it because it relates to the Senate Ethics Committee and some of its activities, or nonactivities, as the case may be. We waited several months for disposition of a matter and nothing much has happened. So, on behalf of Senator LOTT and myself, I send to the desk a Senate resolution, and I ask that the clerk read it in full for appropriate referral.

The PRESIDING OFFICER. The clerk will report the resolution in full.

(The legislative clerk read the resolution in full.)

The PRESIDING OFFICER. The resolution is received and appropriatelly referred.

Mr. HELMS. Mr. President, I do not consider the resolution I have just offered to be the end all and the be all. It is a starting point. If we learned anything during the past couple of years, we have learned that the existing Ethics Committee system is seriously flawed in its ever getting things done.

I know there will be suggestions, that probably the end result will be twice as good as the suggestion I have just made in the resolution. But as I say, I have concluded that we need a starting point, and I have just offered it.

I thank the Chair.

SENATE RESOLUTION 191—AUTHORIZING TESTIMONY BY A MEMBER OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas, in the case of People of the State of California v. Charles H. Keating, Jr., Case No. BA025236, pending in the Superior Court of the State of California for the County of Los Angeles, the plaintiff has requested the testimony of Senator John McCain;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John McCain is authorized to testify in the case of People of the State of California v. Charles H. Keating, Jr., except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

AMENDMENT SUBMITTED

IMPROVEMENT OF DECENNIAL CENSUS OF POPULATION

KOHL AMENDMENT NO. 1251

Mr. MITCHELL (for Mr. KOHL) proposed an amendment to the bill (H.R. 3280) 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, as follows:

In that part of the text of the bill designated as section 2(a) line 6, insert after "of this Act," the following, "and subject to the availability of appropriations,"

RUDMAN (AND STEVENS) AMENDMENT NO. 1252

Mr. MITCHELL (for Mr. RUDMAN, for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 3280, supra, as follows:

In that part of the text of the bill designated as section 2(b)(1)(C), strike out "refinement of population data; and" and insert in lieu thereof "refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and".

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 22, 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 S. 1696, a bill to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, 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 Thursday, October 3, 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.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, October 3, 1991, at 9:30 a.m., to mark up pending business. The legislative agenda under consideration includes the following: S. 289, to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board; S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; Senate Resolution 185, to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs; House Concurrent Resolution 172, providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House document; original resolutions authorizing the printing as Senate documents of revised editions of the Senate Rules and Manual, the Senate Election Law Guidebook, and the Nomination and Election of the President and Vice President of the United States; and an original resolution to amend the Standing Rules of the Senate to conform with recent changes in the law made by the Legislative Branch Appropriations Act, 1992, and other acts and to make certain technical corrections.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 3, 1991, at 10 a.m. to hold a hearing on the operation of trade adjustment assistance and other programs for dislocated workers.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 3, 1991 at 12:30 p.m., in closed session, to mark up S. 1539, the Intelligence Authorization Act, fiscal year 1992.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, October 3, 1991 at 10 a.m. to conduct a hearing on the nomination of Robert L. Clarke to be Comptroller of the Currency.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATORS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, October 3, 1991, to hold a hearing on Asian organized crime.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 3, 1991, to hold a hearing by the Subcommittee on Courts.

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

WITNESS LIST

Subcommittee on Courts and Administrative Practice, Committee on the Judiciary, hearing on S. 1569, Federal Courts Study Committee Implementation Act, 2:30 p.m., Thursday, October 3, 1991, room 226, Dirksen Senate Office Building, Senator Howell Heflin presiding.

PANEL I

Hon. Joseph F. Weis, Jr., Judge, U.S. Court of Appeals, for the Third Circuit, Chairman, Federal Courts Study Committee, Pittsburgh, PA.

Hon. Diana Gribbon Motz, Associate Judge, Maryland Court, of Special Appeals, Baltimore, MD.

William K. Slate II, president, Justice Research Institute, director, Federal Courts Study Committee, Philadelphia, PA.

PANEL II

Stephen C. Bransdorfer, Deputy Assistant Attorney General, for the Civil Division, U.S. Department of Justice, Washington, DC.

Hon. Helen Wilson Nies, Chief Judge, U.S. Court of Appeals, for the Federal Circuit, Washington, DC.

Hon. Ralph R. Mabey, attorney, LeBoeuf, Lamb, Leiby & MacRae, Salt Lake City, UT.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 3, 1991, at 10 a.m. on pending committee business.

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

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—EXECUTIVE SESSION

Thursday, October 3, 1991; 10 a.m., Room SR-253.

1. S. 1330, the Manufacturing Strategy Act of 1991 (Patrick Windham);
2. S. 1581, the Technology Transfer Improvements Act of 1991 (Patrick Windham);
3. S. 640, the Product Liability Fairness Act (Linda Lance, Moses Boyd);
4. S. 1504, the Public Telecommunications Act of 1991 (Toni Cook, John Windhausen);
5. H.R. 470, Conveyance of Certain Lands to the city of Gary, IN (Sam Whitehorn, Carol Carmody);
6. Nomination of Ming Hsu, of Arizona, to be a Federal Maritime Commissioner (Randolph Pritchard, Becky Kojm);
7. Nomination of Arthur J. Rothkopf, of the District of Columbia, to be General Counsel of the Department of Transportation (Sam Whitehorn, Becky Kojm);
8. Nomination of Hon. Rudy Boschwitz, of Minnesota, to be a member of the Board of Directors of the Communications Satellite Corporation (John Windhausen, Becky Kojm);
9. Nomination of officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half) (PN-600) (Becky Kojm); and
10. Routine Coast Guard nominations (PN-602, 603, 604, 635) (Becky Kojm).

ADDITIONAL STATEMENTS

VENEZUELA'S ECONOMIC RESTRUCTURING

• Mr. LIEBERMAN. Mr. President, in today's Wall Street Journal, there is an article on economic reforms the Government of Venezuela is implementing, particularly in the nation's oil industry. Venezuela is making great strides in opening up their economy and their markets. This kind of initiative should be loudly applauded. It is in the best interest of the United States and all the nations of the hemisphere.

I encourage my colleagues to read the Wall Street Journal article on the dramatic and positive reforms that are going on in Venezuela. I ask that the article be included in the RECORD so that my colleagues will have the opportunity to learn more about the changes in our hemispheric friend and neighbor—Venezuela.

The article follows:

CHANGE OF HEART—VENEZUELA NOW WOOS OIL FIRMS IT BOOTED IN '70S NATIONALIZATION

(By James Tanner)

CARACAS.—When he was president of Venezuela in the mid-1970s, Carlos Andres Perez booted out foreign oil companies. Now, president again, he is trying to get them back.

Mr. Perez makes no apology for the turnaround. Times and nations have changed, he tells some visiting foreign journalists over breakfast at the Miraflores Place here. "Remember that in the past, warships even came to Venezuela to claim debts," he says.

Now, Mr. Perez envisions a major new role for foreign companies—especially multinationals such as Exxon Corp. and Royal Dutch/Shell Group, with their technology and deep pockets—in a $40 billion-plus plan to speed development of Venezuela's vast energy base.

The heart of the expansion plan is a 40 percent leap in oil-producing capacity, a net gain of a million barrels a day, in just five years. "Our goal, and we stand firm on it, is to produce 3.5 million barrels per day for the year 1995," says Mr. Perez.

A WORLD-WIDE PATTERN

Mr. Perez's change of heart is part of a world-wide pattern. From the Soviet Union to Peru, governments that once shunned Western oil expertise and capital now are vying to attract them. The turnaround is especially remarkable in countries such as Venezuela, where oil is so closely tied to nationalism. Even now, Mr. Perez may have some persuading to do at home, where Venezuela's congress still must approve any direct private roles in oil and gas projects.

Venezuela's new direction holds particular significance for the U.S. Venezuela helped found the Organization of Petroleum Exporting Countries, but it long has been a leading and reliable supplier of oil to the U.S., even during the Arab oil embargo. Venezuela provides nearly one million barrels a day, or nearly 7 percent of the oil used by the U.S. That ranks it third as a source of U.S. oil imports, behind only Saudi Arabia and Canada.

Among the handful of countries that still have spare producing capacity—basically the five founders of OPEC—only Venezuela is outside the volatile Persian Gulf region. The others are Saudi Arabia, Kuwait, Iraq and Iran.

Venezuela's oil reserves are respectable even by Middle East standards. Its proven conventional crude reserves are estimated at 60 million barrels. That is 6 percent, of the world's total. Counting the Orinoco Belt's huge deposits of extra-heavy oil, Venezuela's recoverable reserves reach an astonishing 330 billion barrels. Orinoco's oil is not highly prized because it is hard to pump, hard to refine and dirty to burn, but all of those are

problems that can best be fixed with the technology of big oil companies.

Michael Skol, the U.S. ambassador here, calls Venezuela "the Saudi Arabia of the Western Hemisphere."

FLAT REVENUES

To get the international oil companies back, however, President Perez must convince them that Venezuela not only offers fewer political risks but bigger economic rewards than other oil lands. It is suddenly a buyers' market for these oil companies, largely because of the producing nations' urgent need for more revenue.

It is generally assumed that oil prices will remain flat, after adjustments for inflation, over the next several years. With the oil exporters no longer able to bank on escalating prices, they must produce more barrels to produce more income. But their oil fields are running dry. That means new technology and substantially more capital are needed to rejuvenate these fields and develop new ones.

Even most members of the 13-nation OPEC are reaching for capital and technical assistance from the oil companies. E. John P. Browne, British Petroleum Co.'s chief executive for exploration, estimates that OPEC needs investments of $150 billion to meet the demand for its oil over the next decade.

BACK IN NIGERIA

BP already is going back into some OPEC countries where former "concessions" had been expropriated or nationalized. Only a few weeks ago, it resumed its search for oil in Nigeria, where operations had been taken over in the 1970s in a spillover of a political dispute between the Nigerian and British governments over policies toward South Africa. "Our breath has been taken away by the speed" in which producing nations are putting out the welcome mat, Mr. Browne says.

BP has begun technical studies in Venezuela. It also is participating in a venture that developed and is marketing a new boiler fuel—Orimulsion—in which water is mixed with extra-heavy oil from Orinoco in a process that uses an emulsifier. In addition to BP, four other oil companies have signed "strategic association" agreements with Petroleos de Venezuela, or PDVSA, the state-owned oil company, so far this year. The agreements are designed to lead to possible joint-venture megaprojects in which the foreign companies will help build multibillion-dollar refineries in Venezuela or abroad that can process Orinoco-type oil.

PDVSA, according to its president, Andres Sosa Pietri, would own less than 50% of each of these associations, in order to keep them attractive to foreign investors. Also, the foreign firms may get a crack at exploring for the more valuable conventional crudes. "The heavy oil is less and less attractive in today's green-type environment, but if they give us the linkage of exploring lighter crude areas, it will change the picture considerably," says an official of one oil company holding talks with PDVSA.

Other companies already signed up for the "association" agreements are Veba A.G. of Germany, Elf Aquitaine of France, Ente Nazionale Idrocarburi of Italy and Amoco Corp. of the U.S. Other multinationals and smaller oil companies are sending technical teams to investigate.

A TEST CASE

In addition, a subsidiary of PDVSA and units of Exxon, Royal Dutch/Shell and Mitsubishi Corp. recently signed a preliminary development agreement for the huge Cristobal Colon project. This is a proposed $3 billion liquefied natural gas project on Venezuela's Paria Peninsula, where Christopher Columbus first landed in South America.

The project is still in its early stages—economic studies must be done and the congress must approve it before anything happens—but Venezuelan oil officials see it as a test case for the first direct hydrocarbon activity by foreign firms since the nationalizations.

President Perez cites Cristobal Colon as the best evidence of what he calls the "new reality" in relations between Venezuela and the foreign oil companies. "If need arises to have objective proof," he says, "we can look at Shell and Exxon, two nationalized oil companies in our country that have renegotiated with us."

In fact, international oil companies, most of them based in the U.S., were the chief developers of Venezuela's oil industry, which began when oil was discovered in 1922, and so much flooded out that world oil prices crashed. But Venezuela was a world leader in wringing better terms from the oil companies and, by the 1960s, oil nationalism was beginning to surge. In 1971, the Venezuelan congress decided that as oil concessions ended, they wouldn't be renewed, but instead would revert to the government.

A LANDSLIDE VICTORY

Although the first concession wasn't due to expire until 1983, the oil companies promptly began to slow their investments. Venezuela's oil production plunged. That led to anger toward the companies and set the stage for the 1976 nationalization. Meanwhile, the architect of the nationalization, Mr. Perez—then considered Latin America's leading economic interventionist—won a landslide presidential victory.

During his first term, from 1974 to 1979, the oil bounty was plentiful. Oil prices were surging, thanks in part to the 1973–74 Arab oil embargo, when Venezuela pumped flat out. Oil prices were expected to escalate forever. Waste was rampant. Venezuela spent billions on superhighways and luxury imports. But then, less than a decade later, the heady days were over. Oil prices were plunging, Venezuela's market share began drying up. By the time Mr. Perez became president again, in 1989, Venezuela was nearly bankrupt.

To provide the harsh medicine Venezuela needed to recover, Mr. Perez came into office the second time as a free marketer rather than a free spender, ready to undo what he had wrought earlier. He reduced tariffs, removed price controls, raised interest rates and began a painful task of restructuring through privatization and deregulation. Some banks already have been privatized. Up for sale are the airline and telephone companies.

When Iraq invaded Kuwait last August, once again pointing up the instability of Middle East oil, Mr. Perez and others in Venezuela saw an opportunity to attract oil investment anew.

PRAGMATIC NATIONALIZATION

Fortunately, President Perez had not burned his bridges to the oil companies. He had used a pragmatic approach to the nationalization, which was handled in a businesslike way. Generally, the oil companies' compensation was considered fair, although many of the companies grumbled about the terms.

Now, a few major oil firms such as Phillips Petroleum Co. are snubbing Venezuela's overtures. "We have priorities in other parts of the world," says C. J. Siles, chairman of Phillips. But one firm indication of the attractions Venezuela holds for foreign oil companies came this summer after PDVSA called for "expressions of interest" on a new program to resurrect washed-out oil fields. That brought more than 200 inquiries.

Some of those fields were discovered as long ago as the 1920s and 1930s, and most have been closed for 30 years after cumulative oil production of 1.4 billion barrels. One PDVSA official calls them "squeezed oranges." Still, with their reactivation by foreign firms, "we expect to increase Venezuela's production by 150,000 to 200,000 barrels a day," says Celestino Armas, minister of energy and mines.

One company interested in the fields is Benton Oil & Gas Co. of California, a small oil and gas producer. "That is our niche: old fields that the majors leave behind which still have enough oil and gas that a company like ours can make a profit," says Clancy Cottman, a Benton vice president. Also, he says Venezuela is a stable country with good relations with the U.S. and very large oil and gas reserves. "If you want to be a player there," he says, "it might do you well to participate" in the marginal fields program.

In addition, many oil people point out that Venezuela has the infrastructure that oil companies need—the roads to get their rigs in and the pipelines to get the oil out. It also has a large number of refineries, both at home and in Europe and the U.S. And, in Petroleos de Venezuela, it has perhaps the world's most highly regarded and efficient state-owned oil company.

Before nationalization, the oil companies were largely staffed by Venezuelans, and by the time of the nationalization some 95% of all the employees in the oil indistry—including many in top management—were Venezuelan. As a result, the successor companies were run essentially as they had been before the nationalization, with the same people but with a new owner, the Venezuelan government.

Since nationalization, PDVSA has tripled Venezuela's reserves with new finds. its oil sales now total more than $14 billion a year. A recent Salomon Brothers report called PDVSA "the fourth-largest oil conglomerate in the world."

Oil companies still have some concerns about Venezuela's internal politics. Bringing in foreign companies remains a highly charged issue, and the policy reversals of Mr. Perez aren't being welcomed whole-heartedly in Venezuela. There were riots when gasoline prices were raised soon after he took office. Subsidized gasoline prices, still dirt cheap by the standards of most other countries, continue to increase, but gradually.

In addition, there is a lot of debate over whether oil policy should be set by the oil industry or the government. PDVSA's president, Mr. Sosa Pietri, says the government is just a shareholder in the industry and should limit its role to supervision of the budget at the annual meeting. Mr. Armas, the oil minister, sees it differently. "The ministry is not the manager of the [oil] industry, but the controller who sets the policy," he says.

Foreign companies are watching. "The politics casts a little freash doubt on the Venezuelan deals," says an official of one major oil company, "but everything wouldn't crater if Sosa Pietri lost his job tomorrow."

Mr. Perez will likely have the last word. He appointed both men. "There is no dispute," he says.

SANCTIONS AGAINST YUGOSLAVIA

• Mr. RIEGLE. Mr. President, yesterday I joined a bipartisan group of Sen-

ators to introduce legislation which would impose a strict trade embargo on Serbia and Serbian controlled areas of Yugoslavia. For too long, the United States has reacted passively to the violence in the Balkans. Through months of conflict, American diplomacy has avoided active participation in efforts to achieve a cease-fire and to separate the warring parties. It is time for the United States to act—and act now—to end the tragic bloodshed in Yugoslavia. Only by applying firm pressure can we convince Serbia that its bid to seize territory by force will bring only international isolation and severe economic sanctions.

We must call upon President Bush to apply his new world order to Yugoslavia. It is clear that that nation—artifically held together for the past 45 years—like the Soviet Union before it—is breaking apart. There is no place in a new world order for the kind of aggression embraced by the Serbian strongman, Slobodan Milosevic—aggression which has left Croatia with over 500 dead, untold numbers wounded, hundreds of thousands of innocent civilians homeless, and much of the country destroyed. This senseless brutality must end.

America must respond to Serbian aggression with the same energy and commitment we dedicated to opposing Iraqi aggression in Kuwait. The citizens of Croatia and Slovenia, and the long-suffering Albanians in Kosovo, are at least as deserving of our support as the people of Kuwait.

That is the challenge that we call upon President Bush to embrace. Americans cannot continue to sit on the sidelines while more blood is spilled. If Serbia continues to pursue a policy of aggression, the full range of economic sanctions which we introduce today must be imposed by our Government against that Republic and areas of Yugoslavia which it controls.

Mr. President, the future in Yugoslavia belongs to democratic forces, such as those in Croatia and Slovenia. And, in the long run, the guns, tanks, and military aircraft of the Serbian controlled federal army are bound to fail. But, until this brutal aggression against the Croatian and other peoples in Yusoslavia is reversed, America must stick firmly to its principles. I will continue to do all I can to ensure that our Government moves in that direction.●

JEAN-CLAUDE PAYE, SECRETARY GENERAL OF THE OECD, LOOKS AT THE GLOBAL ECONOMY

● Mr. LIEBERMAN. Mr. President, I ask to insert in the RECORD a copy of a speech delivered by the Secretary General of the Organization for Economic Cooperation and Development [OECD], Mr. Jean-Claude Paye, before the Parliamentary Assembly of the Council of Europe on September 20. The Secretary General offers a cogent analysis of the state of the world's economy, helping us to understand it in the context of the dramatic changes in the East.

He discusses the challenges that we must face in order to integrate the nations of the East into the global economy while still maintaining our economic position. I highly recommend that my colleagues take a moment to read Mr. Paye's speech. It will be well worth their effort.

The speech follows:

ADDRESS BY MR. JEAN-CLAUDE PAYE, SECRETARY GENERAL OF THE OECD

Madame President, ladies and gentlemen, once again the month of August has witnessed the unfolding of events of enormous significance. The swift demise of the Moscow putsch in the face of popular resistance has greatly hastened the comprehensive and fundamental reshaping of what used to constitute the USSR. By the same token, the changes that have taken place in central and eastern Europe over the last two years now appear genuinely irreversible. We are, therefore, at a turning point in the history of this century.

But the challenges that this upheaval poses for the western countries are not the only ones I should like to talk about today. There are others which may be less spectacular, but to which our countries must pay special attention. I refer to what some people call the world economic order, and also to the difficult process of adapting our society to the demands of an open and very competitive economy.

Before I move on to these points, however, tradition has it that I should give a brief description of the economic situation and outlook.

I. THE ECONOMIC SITUATION

The beginnings of a cyclical slowdown were apparent in several countries even before the Gulf crisis broke, and the widespread anxiety that ensued served to accentuate the slowdown to a certain degree. However, the general feeling towards the end of last year was that the slowdown—or recession in some countries (the United States, Canada and the United Kingdom in particular)—would be relatively short-lived. Two countries moreover, and not the least important, were continuing to post strong growth, underpinning the activity of their trading partners. Germany recorded 4.7 per cent growth last year and Japan 5.6 per cent.

How does the situation look now? The countries that were in recession are beginning to come out of it, while in those where activity had slowed it is now picking up again. Nowhere, however, can one point to a definite, massive upturn. For the moment it is rather weak and hesitant, and the reasons are not clearly apparent. Admittedly, real interest rates are high, but they have been for ten years or so. Perhaps this cyclical weakness is attributable rather to uncertainty in the financial sphere: banks, particularly in the United States, are consolidating after years of very rapid growth of credit and the subsequent painful awakening. In addition, the United States budget deficit is for various reasons proving more difficult to reduce than had been anticipated by the successive laws voted for this purpose. This is not especially good for the business climate. Also, activity in both Japan and Germany is slowing relatively, inflationary pressures having become seriously high.

The growth rates forecast by the OECD for next year are thus far less disparate than in 1990 or the first half of 1991. They should converge around 2.5 to 3 per cent—which is not bad.

Inflation can be expected to be around 4 per cent on average for the OECD area as a whole; while not bad, neither is this really satisfactory.

Current external balances ought not to pose any serious problems. We are a long way from the big disparities of two or three years ago, when there was an American deficit of over $100 billion and German and Japanese surpluses each of some $60 billion.

What is worrying, on the other hand, is that many countries are taking so long to reduce their excessive budget deficits. With investment needs so considerable across the world, it is unfortunate that governments should be continuing to borrow on a massive scale. This is contributing to keeping interest rates high.

But the most worrying feature in our projections remains unemployment. The recovery does not seem likely to reduce it substantially compared with this year. While it can be expected to fall slightly in the United States, it is by contrast expected that there will be a further small increase in Europe.

These, then, are the broad outlines of the present and forthcoming economic situation in the OECD countries. To turn now to some of the challenges—a fashionable word—facing our countries.

II. UPHEAVAL IN THE EAST

In the space of two years, the world political, military and economic landscape has changed utterly. The speed of German unification and of the restoration of complete freedom of action in the central and eastern European countries hitherto members of the Warsaw Pact and Comecon was surprising enough. The upheavals in the Soviet Union are still more astounding. An empire is falling apart, a system collapsing.

Amidst the dust raised by this cataclysm, it is hard to make out the structures of tomorrow. The Baltic countries have recovered full independence. What will become of the other republics? What balance will finally be found between the yearning for political independence and recognition of what is at present very close economic interdependence? Are we going to witness the complete break-up of what was the Soviet Union just when western Europe is striding towards economic and political union?

To answer these questions is a difficult exercise. However, uncertainty must not be allowed to reduce our countries to a "wait-and-see" policy, or to inertia. Nor is this by any means the attitude they have adopted, either with regard to the USSR or, still less, with regard to the central and eastern European countries.

The OECD, as you know, last year set up a Centre for Co-operation with the European Economies in Transition. The Centre's task is to coordinate and organise the technical assistance that the OECD provides in order to help the countries of Central and Eastern Europe define and implement the policies needed to move towards a market economy system. The object is to ensure that policymakers in the East benefit as fully as possible from the experience that the West has gained in the areas of economic and social policy. A special effort is being made on behalf of Poland, the Czech and Slovak Republic and Hungary. These three countries, which have become "Partners in Tansition", are participating in a growing number of current OECD activities and thereby prepar-

ing themselves for membership in what they trust will be the near future.

Bulgaria and Romania have adopted ambitious economic reform programmes this year, and they in their turn will doubtless be showing a growing interest in the OECD. As for the three Baltic countries, they too will in all probability soon want to become more closely involved in the Organizations' activities. It goes without saying that their wishes will be very sympathetically considered.

The USSR—to use that term for want of another—has been participating in the activities of our Centre from the outset. We shall have to adjust to the changes now taking place; that is to say, we shall have to build up our contacts with the Republics. The OECD Council's forthcoming discussion of the Organisation's 1992 Programme of Work and Budget will give a clearer idea of the nature and extent of the role that Member countries wish the OECD to play in western support for the transition in the Soviet Union.

In any event, two points seem to me to be essential. First, the four Organizations (IMF, World Bank, EBRD and OECD) which last year jointly carried out an in-depth study of the Soviet economy must continue, in close co-operation with the Commission of the European Communities, to improve and update that study. During this period of change and uncertainty in the USSR, we must be united in our efforts to provide our Member countries with the fullest and most accurate possible picture of the economic problems facing the USSR.

The second point, which concerns both the USSR and the other central and eastern European countries, is that their technical assistance requirements are enormous, while the responses are for the moment manifold, disparate and poorly publicized. Even if this multitude of projects cannot be closely coordinated, at the very least an effort must be made to acquire as much information as possible about them. We have begun to set up a data bank, an electronic register which will meet this need that is going to be felt more and more acutely by governments and institutions in both the East and the West.

Before moving away from Europe and discussing some of the problems of the world economic order, I am bound obviously to say with what dismay we all view the dire events tearing apart a country—Yugoslavia—which for thirty years has been associated with the work of the OECD. Once again, alas, we are learning that passions can be stronger than reason. We can but continue to hope that this will prove only temporary.

III. THE WORLD ECONOMIC ORDER

The failure of the Soviet model, now generally recognized, strengthens a trend that in fact has been emerging in the world economy for some years. The success of the dynamic Asian economies has continued, and has led to emulation. In Latin America, Mexico is making impressive economic strides and qualifies for full membership of a likely North American free trade area. But it is not alone in meriting attention: Chile too, for example, is making rapid progress. And the time will come when what may be termed the shared credo of the OECD countries—pluralist democracy and the market economy—will be accepted throughout Latin America.

This headway in Asia, the Americas and perhaps some parts of Africa does not mean that the problem of underdevelopment, the Third World, entire countries plunged in poverty, will speedily be resolved. Far from it. The gap between the wealthy countries and a number of poor nations is still widening. Assistance from the wealthy countries, through financing, technical assistance and opening up their markets, is more necessary than ever. But there can now be hope for those whom Frantz Fanon called "the wretched of the earth". There is nothing predestined about underdevelopment; individual collective effort, and appropriate institutions, can set off the process of economic and social development.

We are hence moving towards a world economy in which everyone will share. That prospect has practical implications, notably in terms of what may be called the economic rules of the game. Take two examples, the environment and trade.

Quite clearly, the development of economic activity and raising standards of living across the world pose rapidly growing threats to the environment. They need to be assessed and tackled as a matter of urgency. The United Nations Conference on Environment and Development which is to take place next year will be of major importance. Governments' sense of responsibility will be gauged by its success or failure.

The same is true of the GATT talks now under way. The Uruguay Round is the first of a new generation of trade negotiations, the first to cover numerous aspects of global interdependence. It has to succeed, otherwise we shall move backwards, not forwards. That would mean reverting to the perilous course of fragmented trade and finance, confrontation between blocs of nations, and spiralling protectionism.

That is not—I hope and believe—the most likely hypothesis. Progress will go on. And the OECD will have its contribution to make. Bringing together the most advanced economies, the Organisation has to play its full part in probing and exploring the problems of an increasingly integrated world economy. What rules should apply in what is now worldwide competition? What measures need to be taken to reconcile fluidity and security in financial transactions? What degree of fiscal harmonisation should be advocated to assist the optimum distribution of activity? What disciplines should apply to industrial subsidies? What rules can be devised to ensure that environmental protection is not sacrificed to economic growth, and vice versa? Those are simply a few examples of areas where the OECD is preparing for the future.

IV. THE PROBLEMS OF SOCIETY

Preparations for the future do not solely involve consideration of the opportunities and needs thrown up by the rapid globalisation of the economy. They also mean seeing that men and women in our countries are in step with this trend. Advancing globalisation, more intensive competition and the pace of technical progress are posing problems of adaptation and adjustment, for our society and our fellow citizens, the gravity of which should not be underestimated. All social progress has, since the turn of the century, been based implicitly or explicitly on the objective of individual security: secure employment, secure income. In a changing and competitive world, the objective of security can no longer be equated with relative occupational immobility and automatic income guarantees. Security needs to be achieved by new means: readiness to train and retrain, new or complementary methods of securing adequate income during and after working life. In short, greater responsibility bears on each individual.

It is accordingly essential that governments should prepare and assist each and every one to face up to this increased responsibility. Education and training policy is essential in this respect. Every step needs to be taken to ensure that local authorities, business, associations and individual citizens feel directly involved and contribute their share to the modernisation of our education systems.

But it is also necessary for concerted and converging efforts to be made by government and private leaders to tackle the problems of adaptation effectively in country and town alike. Close on half a century's rapid growth in output and income would have yielded a paltry result if deep divides were to appear in our societies between the haves and the have nots. There is but a short distance, one must remember, between feelings of injustice and despair, and between despair and revolt.

The greatest possible attention accordingly needs to be paid to the problems of society. We are endeavouring to do this in the OECD. Work on rural development, work on urban problems, work on migration—all this is expanding in our activities and should help in reducing unemployment which, in many of our countries, long ago went beyond Red Alert.

Madame President, the world is changing, and changing ever more quickly. That is easy to see. The OECD is endeavouring, as it has always done, to help its Member countries foresee and understand these changes and develop the policies that they require. This is leading the Organisation to broaden its field of activity, and in particular to deal increasingly with intersectoral problems. These are often the problems that are most difficult for governments to tackle, since they call for synergy between a large number of actors: ministries, local authorities, the private sector, the associations. To achieve what is expected of it, accordingly, the Organisation has continually to practice the structural adjustment that it regularly preaches to its Member countries. Now, however, this adjustment is not confined to a gradual evolution in the topics on which it focuses. The question of opening up the Organisation to new members is now coming to the fore.

Inasmuch as a growing number of countries across the world are now adhering to the same economic, social and political values as the OECD's Member countries, and inasmuch as their level of development is comparable to that of the Member countries, it is natural and beneficial that they should be able to participate—both giving and taking—in the intergovernmental discussions and consultations that are the raison d'etre of OECD. Mexico, which has been a member of the Steel Committee for several years, has unambiguously stated its wish to become a full member of the Organisation as quickly as possible. The Republic of Korea, which has been a member of the Working Party on Shipbuilding for a number of years, is currently considering participation in numerous other fields, and possibly membership. Hungary, Poland and the Czech and Slovak Federal Republic have all stated their wish soon to accede to the OECD Convention. Romania has more recently expressed a similar wish. We can be quite sure that the list will not stop there.

All this means that the Organisation and its current members need without delay to clarify their attitude toward enlargement of the OECD. They need to give thought to the consequences of the emergence, on the world economic scene, of partners which closely resemble the Member countries, and to avoid

endangering the feature that makes the Organisation so valuable, i.e. the scope for effective discussion of common problems. Careful consideration is in progress, but we are still at too early a stage to allow me to tell you more today. I trust that we in the OECD will succeed in adapting the Organisation to the needs of a changing world with as much speed and clearsightedness as has been achieve, through the influence notably of your Assembly, in the Council of Europe.•

TRIBUTE TO ERNIE HARWELL AND PAUL CAREY

• Mr. RIEGLE. Mr. President, on October 4 the Michigan congressional delegation will hold a special luncheon to pay tribute to Ernie Harwell and Paul Carey who are retiring this Sunday as announcers for the Detroit Tigers.

Harwell has been the voice of the tigers for 32 years. I ask to have printed in the RECORD the following remarks Ernie Harwell made at Cooperstown, NY on August 2, 1981, when he was inducted into baseball's Hall of Fame:

The remarks follow:

ERNIE HARWELL ON BASEBALL

Back in 1955 I sat down and wrote a little definition of baseball to express my feelings about this greatest game of all.

Baseball is the President tossing out the first ball of the season. And a scrubby schoolboy playing catch with his dad on a Mississippi farm.

A tall, thin old man waving a scorecard from the corner of the dugout—that's baseball. So is the big fat guy with the bulbous nose running home one of his 714 home runs.

There's a man in Mobile who remembers that Honus Wagner hit a triple in Pittsburgh 46 years ago—that's baseball. And so is the scout reporting that a 16-year-old sandlot pitcher in Cheyenne is the coming Walter Johnson.

Baseball is a spirited race of man against man, reflex against reflex. A game of inches. Every skill cheered—or booed. And then becomes a statistic.

In baseball, democracy shines its clearest. The only race that matters is the race to the bag. The creed is the rule book. And color, merely something to distinguish one team's uniform from another's.

Baseball is a rookie (his experience no bigger than the lump in his throat) as he begins fulfillment of his dream. It's a veteran too—a tired old man of 35 hoping those aching muscles can pull him through another sweltering August and September.

Nicknames are baseball. Names like Zeke and Pie and Kiki, and Home Run and Cracker and Dizzy and Dazzy.

Baseball is the clear, cool eyes of Rogers Hornsby; the flashing spikes of Ty Cobb: and an over-aged pixie named Rabbit Maranville.

Baseball? Just a game—as simple as a ball and bat. And yet, as complex as the American spirit it symbolizes. A sport, business and sometimes almost even a religion.

Why, the fairy tale of Willie Mays making a brilliant World Series catch and then dashing off to play stickball in the streets with his teenage pals—that's baseball. So is the husky voice of a doomed Lou Gehrig saying: "I consider myself the luckiest man on the face of this Earth."

Baseball is cigar smoke, hot-roasted peanuts, The Sporting News, Ladies Day, Down in Front, "Take Me Out to the Ball Game," and "The Star-Spangled Banner."

Baseball is a tongue-tied kid from Georgia growing up to be an announcer and praising the Lord for showing him the way to Cooperstown. This is a game for America. Still a game for America—this baseball.•

ADDITIONAL STATEMENTS

SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

• Mr. WOFFORD. Mr. President, I rise today in support of legislation introduced by my colleagues Senator BREAUX and Senator BRYAN to permanently extend small issue industrial development bonds.

The goals of IDB financing are to stimulate private sector investment into long-lived physical plant and equipment, to increase productivity and to create permanent private sector jobs. State and local industrial development agencies use IDBs to provide small manufacturers with access to investment capital at rates competitive with those available to larger companies. And since the credit crunch is making it difficult for many smaller firms to obtain any financing, IDB's are even more important today.

IDB's have been extremely successful in retaining and creating jobs in Pennsylvania. According the Commonwealth's Department of Commerce, IDB's have financed 160 manufacturing and industrial projects in Pennsylvania, thereby retaining 13,359 jobs and creating 6,400 new jobs between 1987 and 1990.

I am also confident that industrial development bonds will continue to be important economic development tools. IDB's will finance improvements to our industrial base. In Pennsylvania, IDB's will also be used to build our agricultural base. The Commonwealth's Department of Agriculture has instituted the First Time Farmers Program, which will use IDB's for the financing of first time farm purchases by young Pennsylvania farmers.

Mr. President, during this time of economic difficulty, we need to do all we can to stimulate growth and opportunity. I urge my colleagues to join me in supporting the continuation of the industrial development bond program.•

TRIBUTE TO AMERICAN LEGION MITCHELL A. DAVIS POST 182

• Mr. LAUTENBERG. Mr. President, I rise to congratulate and honor the Mitchell A. Davis Post 182 in Trenton, NJ. It has recently celebrated the 100th birthday of its namesake, Mitchell Andrew Davis.

The post itself was instituted in 1919 in Trenton, NJ, as returning World War I veterans began returning home. Fifteen African-American men organized the founding of the post, all of them serving in various branches of military service. Their occupations ranged from doctor to day laborer. At this time, the post did not have a permanent building, so its members rotated the monthly meetings among its membership.

The post has played a significant role in the lives of the members of the post and the African-American community at large. The men who served in the war were extremely proud, patriotic men. They frequently kept in touch with contacts in Trenton giving news of the happenings abroad. When the men returned to Trenton, they were able to redirect their positive contributions to society by participating in the post's philanthropic activities.

Mitchell Andrew Davis was born on September 9, 1891, in Warren County, Macon, NC. He and his sister Julia were raised in Trenton, NJ, by their aunt and uncle Albert and Minnie Scott. Mr. Davis went to Trenton High where he was a successful student. Upon graduation from high school, he entered Lincoln University in Pennsylvania. Mr. Davis then enrolled in Howard University Law School and graduated with high honors in 1915. Upon graduation from Howard University Law, he went to Virginia and worked for a short period of time with the Virginia Tribune newspaper.

His newspaper career ended abruptly by his induction into the Army on March 18, 1918. He was promoted to private first class on September 14, 1918. Mr. Davis left Trenton for France on June 15, 1918 and saw combat at Lorraine, a section of France once occupied by Germany. While in France, he also served as clerk of headquarters company, 349 FAAEF. He died in France on November 16, 1918 of pneumonia.

Prior to entering the service Mr. Davis attended the Montgomery Street Mission. He was a dedicated and faithful member of the mission and a patriotic citizen, committed to pursuit of religious and personal freedom for all. Mr. Davis' last correspondence to the mission demonstrates his courage and patriotism. Mr. President, the letter reads as follows:

DEAR MR. DANSER: I received your letter a few days ago, and was certainly glad to hear from you and from Trenton. I thought probably that you had no idea of my whereabouts. But rest assured I will always be found in that section where the presence of earnest men and needed. This is indeed a war for freedom and liberty of all oppressed peoples. We of the recent liberated sons of America feel the necessity of coming to the aid of the oppressed of Europe more than any other American faction. When this war ends all the oppressed of humanity will have reasons to look for the Star of Hope and a brighter future.

Yes, we are quite conscious of the causes of our being there. The Y.M.C.A. is doing good work for the boys to keep up spirits, and we appreciate the same. Since our arrival we have made three moves, and now we are on the go again. Probably we'll be in Germany before long, ere the war will come to an end.

We are expecting to put things through before Christmas. Of course, it will be some time before we will arrive home.

My regards to all the folks in Montgomery Street Mission. I suppose you are still holding the fort as a faithful soldier of Christ. We over here, on the whole, have come to appreciate the reality of religion more so than before. Many boys who lived in the cellar of life prior to their entry into army will come back new men with a firm purpose to succeed along useful lines.

I was surprised to learn that your son was over here, but he is doing what thousands of others are doing, viz., his bit for the cause of democracy. I know you miss him and wish him all the success a father wants a son to have.

A letter from you will be appreciated at any time. Receiving letters from home is equal to pay day. I don't know which the boys appreciate more. Hoping to hear from you soon, I am Yours truly, M.A. Davis.

Mr. President, the Mitchell A. Davis Post 182 still plays an active role in the Trenton community. The post is a community based organization which is committed to aiding veterans, visiting them and providing transportation for them. Its members organize parties such as their annual Christmas party. Children of the community are very important to the post and various activities are provided for them as well as a scholarship to encourage the pursuance of a higher education.

I would like to extend my warmest congratulations to all the members of the Mitchell A. Davis Post 182 for reaching this significant milestone in its history.●

A CONGRESSIONAL TRIBUTE TO DAVID SILVER

● Mr. GARN. Mr. President, I rise today to recognize the retirement of David Silver, president of the Investment Company Institute, the national association of the mutual fund industry. As he leaves after 25 years of distinguished service, I wanted to recognize personally his many years of dedicated service to the institute and his counsel to the Congress.

Following his graduation from Harvard Law School cum laude in 1958, Mr. Silver spent 5 years on the legal staff of the Securities and Exchange Commission here in Washington where he was responsible for stock exchange trading and oversight. During his tenure at the SEC, Mr. Silver worked on a wide-ranging SEC investigation of the securities markets, and supervised the study of the securities market break which followed the death of President Kennedy.

Mr. Silver joined the institute in 1966 as associate counsel, became general counsel in 1969 and was elected president in 1977. He has been at the helm of the mutual funds association and steered it well during a time of dramatic change and growth. Today, the industry has grown to over $1 trillion in assets. Mr. Silver has played a significant role in that growth, providing sound legal and ethical guidance to the industry.

As a recognized expert on the mutual fund industry and securities regulation, Mr. Silver has testified before Congress far too many times to count, helping to inform the Congress with fair, balanced and knowledgeable dialog.

His impact in the securities and investment company law areas is evident but his knowledge is not limited to such matters. Mr. Silver campaigned tirelessly for the creation of the universal IRA in 1981 and has remained active in complicated ERISA issues. In doing so, he displayed that most noteworthy talent of serving noble public policy goals of retirement income security by bringing to the table the best that his industry has to offer.

Taking the institute beyond its domestic purview, Mr. Silver has worked for the past several years to assure that the mutual fund industry can compete in the international market and that our domestic economy will benefit by such competitiveness.

In all of the above, he has been articulate, honest, courageous, and a friend to many, including me.

David Silver is to be recognized for his outstanding efforts on behalf of his constituents and is to be wished well in all his future endeavors.●

NCAA WOMEN OF THE YEAR

● Mr. BIDEN. The NCAA recently named the winners of its Women of the Year Award. As the attached article notes, two of the winners have Delaware connections. I commend the NCAA for recognizing outstanding scholar-athletes on our Nation's campuses. I rise today to join in that recognition.

A college education is a demanding endeavor. Thousands of students entering our Nation's colleges and universities this fall intend to continue sports they played in high school. Unfortunately, many will find that the demands of school can be overwhelming, and must choose between athletics and education. It is education that rightly wins out in these situations.

But some are blessed with outstanding skills in both athletics and scholastics. They do not just get by in school and on the playing field, they excel in each. It is these who the NCAA has recognized with its award.

This year's awards have additional meaning to me because I know one of the winners. For those of us who know Kelly Long, it is no surprise that she has been able to master both sports and scholastics. I share, but certainly cannot match, her parent's pride in their daughter and the award she has won. I would note that in Kelly's case, as in Jill Hershey's, the NCAA award is only the latest in a long series of academic awards.

Knowing one of the award winners only increases my appreciation of what other winners have done to receive this recognition. Excellence in the classroom and in athletic competition is difficult to achieve, requiring dedication, concentration, and hard work. To maintain that over a 4-year college career deserves to be highlighted.

I would again commend each of the winners and the NCAA for recognizing their achievements. I ask that an article from today's Wilmington News-Journal be printed at the conclusion of my remarks.

The article follows:

[From the Wilmington News Journal, Oct. 3, 1991]

NCAA HONORS TWO WOMEN ATHLETES WITH DELAWARE TIES

(By Matt Zabitka)

NEWARK.—Kelly Long of Brandywine Hundred was an outstanding swimmer at Ursuline Academy, earning a four-year athletic scholarship to Clemson University in South Carolina.

Jill Hershey of Elizabethtown, Pa., was a star in field hockey, track and basketball at Elizabethtown Area High School in Pennsylvania, recruited by the University of Delaware.

Both were named state winners in the NCAA Woman of the Year Award presented by Hanes Her Way—Long for South Carolina and Hershey for Delaware.

Coincidentally, both graduated this spring and are now doing graduate work at UD—Long seeking a doctorate in industrial psychology. Hershey in physical therapy.

"No, I've never met her [Jill Hershey], but I'd be glad to meet her," said Long, when arrangements were being made to have them photographed.

Long graduated with a degree in psychology and a 3.86 grade-point average. She was named the outstanding senior in psychology at Clemson and received the Atlantic Coast Conference Scholarship for a female athlete for post-graduate study.

Hershey graduated from Delaware in May with a 3.59 average in biology. She lettered four years in field hockey, three in lacrosse, and was captain of both teams. She was the 1990–91 East Coast Conference women's scholar-athlete of the year and a GTE Academic All-America in field hockey and lacrosse.

In Long's four years of varsity swimming at Ursuline, the Raiders won the state championship each year. Winner of four Delaware scholastic championships, Long amassed 80 points (63 individual, 17 on relay teams) in state championship meets during her four years at Ursuline.

Clemson won the Atlantic Coast Conference swimming championship during Long's freshman and sophomore years. "As a freshman," she recalled, "I finished second in 200 butterfly in the ACC championships and that was very exciting. I was also on the 400 medley relay team that qualified for the NCAAs my junior year."

In her final year of collegiate swimming last winter, she posted her fastest times in three events in a win over the University of Virginia. She did the 100 butterfly in :57.5, the 200 breaststroke in 2:28 and the 100 breaststroke in 1:08.

Because of graduate studies, Long said she's through with competitive swimming for a while. "Later, I may get into masters swimming but I won't do that for a few

years. I'm taking time off from competitive swimming. I'll continue to swim, but it'll be strictly on a recreational level," she said.

She said she would be interested in coaching a high school team, if she could fit it into her schedule.

Hershey was a four-year starter in field hockey at Delaware but was injured for much of her sophomore year. She was also a four-year player in lacrosse, a starter her last two years.

"My high school didn't have a women's lacrosse team," she said. "I didn't pick up the sport until I got to Delaware. I took a lacrosse class in winter session my freshman year, when I played on the jayvees. I played some on the varsity as a sophomore and was a starter my last two years."

Last fall, Hershey was named Delaware's field hockey MVP. In the spring she was named to the ECC all-star team in lacrosse.

The national winner will be chosen from the 50 nominees and announced Oct. 30. Award criteria for the $5,000 scholarship include athletics, academics and community service.•

THE STROLLERS OF MAPLEWOOD, NJ

• Mr. LAUTENBERG. Mr. President, I would like to recognize the Strollers, a theatrical group in Maplewood, NJ. They are celebrating their 60th season of performances. The Strollers provide quality theater to the community.

This group was founded in 1932 by a high school history teacher and drama coach from Columbia High School named Miss Mildred Memory, for students who wanted to continue acting after high school. The group was founded in the midst of the Depression. It became an organization to advance the art of theater and provide opportunities for artistic and dramatic education and community enjoyment.

Over the years, interest has grown and the group expanded to more than 100 volunteer performers, stage hands, musicians, and designers from all walks of life.

The Strollers have received recognition from the New Jersey Theater League and have received other awards for their excellent performances.

As a result of this all-volunteer effort, many senior citizens and other members of the community unable to pay the high price of commercial theater tickets can enjoy three top flight performances during the season for $20.

I would like to commend the men and women who volunteer their time toward this creative endeavor and who provide an evening of pleasure and entertainment. As the Strollers approach their annual gala evening this October, I wish them a successful season and many seasons to come.•

A TRIBUTE TO DIMITRIOS I

• Mr. D'AMATO. Mr. President, I ask my colleagues today to pause in tribute to the towering legacy of one of the great religious leaders of the 20th century—Dimitrios I, the Ecumenical Patriarch of Constantinople.

Since 1972, Patriarch Dimitrios served as a spiritual leader to over 250 million Eastern Orthodox Christians throughout the world, mostly in Russia, Greece, and the nations of Eastern Europe. The 2,000-year-old Orthodox Church includes nearly 6 million American followers of the Eastern Orthodox tradition, making up the fifth largest Christian denomination, after Catholics, Southern Baptists, United Methodists, and Evangelical Lutherans.

Dimitrios Papadopoulos was born on September 8, 1914, in Istanbul, Turkey. He received his early education at the Greek schools of Therapia, and at 17 began his theological studies at the Theological School of the Ecumenical Patriarchate at Halki. He was graduated in 1937 by the island seminary, which has produced many leading Orthodox Christian prelates and theologians.

He was ordained a deacon in 1937, serving as secretary and preacher in Edessa, Greece, for 1 year. In 1939, he served in an Istanbul church, where he was ordained to the priesthood and was the driving force in advancing religious education within the parochial school systems. Appointed pastor of the Annunciation Greek Orthodox Church in Teheran, Iran, in 1945, he was subsequently elected Bishop in 1964, and consecrated to the Episcopate later that year.

On February 15, 1972, he was elected to Metropolitan of Imvros and Tenedos, Turkish islands in the Aegean Sea. Five months later, he was elected and duly enthroned as Ecumenical Patriarch of Constantinople, the 269th successor to St. Andrew, the apostle to whom Orthodox Christianity traces its roots.

According to tradition, St. Andrew founded the church in Byzantine Constantinople, known today as Istanbul, where the Patriarch has historically presided over the church. In his position, he has served as foremost among equals of Eastern Orthodoxy's numerous self-governing church groups, which are united in doctrine and permit followers to worship and receive the sacraments in any among them.

Originated in the Roman and Byzantine Empires, the Orthodox Church spread to many Slavic nations in the 9th and 10th centuries. By then, Eastern and Western Christianity has undergone cultural, theological, and political tensions, leading to the great schism between the Orthodox Church and the Roman Catholic Church in 1054.

As the spiritual primate of modern Eastern Orthodoxy, Patriarch Dimitrios sought to renew ties with churches within the Orthodox tradition, as well as the other great churches of the world.

In 1975, Patriarch Dimitrios sent Metropolitan Meliton to participate in the Vatican's 10th anniversary observance of the lifting of the excommunication between the Greek Orthodox and Roman Catholic Churches. When the Metropolitan read the Patriarch's message that a Pan-Orthodox Commission had been established to "enter into serious dialogue with the Roman Catholic Churches," the Pope, overjoyed with the news, knelt and kissed the emissary's feet.

In 1987, his historic year-long pastoral pilgrimage took him to the Soviet Union, the first by a patriarch in almost four centuries, where he helped reestablish the bonds between the Russian Orthodox Church and Constantinople. The Patriarch pilgrimage also consisted of meeting with religious leaders in Yugoslavia, Romania, Poland, Bulgaria, and Jerusalem.

Patriarch Dimitrios has visited Orthodox leaders in Greece, met with Pope John Paul II at the Vatican, the Archbishop of Canterbury Robert Runcie in London, and with the World Council of Churches in Geneva.

In 1990, Patriarch Dimitrios was the first to visit the Western Hemisphere, presiding over a congress of clerical and lay leaders in Washington. It was a privilege and honor to have met with His All Holiness and personally express my admiration for his stellar leadership of the Orthodox Church over the past two decades.

He was in the United States at a time when the tumultuous changes in Eastern Europe were astonishingly fresh in the minds of all Americans. The freedom that had been blossoming throughout the world has brought together the people of Eastern and Western Europe for the first time in half a century.

These changes did not occur in isolation. The enduring faith of hundreds of millions of captive men and women in God, church and family helped them endure the darkness of oppression.

For more than 40 years, they yearned to celebrate Christmas, to rejoice in the wonder of Easter, and to become married and have their children baptized under the precepts of their faiths, and those of their forebears.

That day has arrived—for in the contest between the spirit and the state for the soul of mankind—the spirit has emerged victorious.

As the spiritual leader of 250 million Orthodox Christians—in Greece, the Soviet Republics, Eastern Europe, and across the Americas—Patriarch Dimitrios brought to the international community a singular vision of the peace, the love and the reconciliation that has helped bring about the great transformation the world is undergoing today.

I recall his wondrous and eloquent message of hope for our future—one in which free men and women can worship as they believe, practicing their God-given right to liberty—a right which no system of government can ever take away.

Patriarch Dimitrios worked throughout his life to bring to the world greater compassion, spiritual guidance, and understanding for our fellow men and women. His prodigious success is a tribute to this true apostle of peace, and his enormous love for all mankind.•

KNOXVILLE CELEBRATES

• Mr. SASSER. Mr. President, I rise to salute the city of Knoxville, TN, which today celebrates its 200th anniversary.

Knoxville was founded when William Blount chose the site around James White's Fort to be the capital of the Territory of the United States South of the Ohio River in 1791. On October 3 of that year, 64 half-acre lots were divided into a 16-block town and sold to lottery subscribers for $8 each. This settlement became the seat of the first territorial legislature in the United States, and it later became the first capital of Tennessee when the State gained admission to the Union in 1796.

Knoxville has served as the home of many great Tennesseans. John Sevier, the first Governor of Tennessee, lived in Knoxville and is buried in the old courthouse lawn. Other great figures from the Knoxville area include David Glasgow Farragut, the first admiral of the U.S. Navy, Postmaster General Horace Maynard, Supreme Court Justice Edward T. Stanford, and Secretary of the Treasury William G. McAdoo.

Knoxville is also home to the University of Tennessee, which was founded in 1794 as Blount College and was the first coeducational university in the United States. The university has won three national championships in women's basketball, two in track, one in men's basketball and one in swimming.

Founded on the convergence of the First Creek and the Tennessee River, Knoxville has grown quite markedly over the past 200 years. Once a small frontier settlement, the city now has 170,000 inhabitants, with 490,000 people living in the metropolitan area. As Tennessee's third largest city, Knoxville is a center for banking, commerce, and industry in east Tennessee. This city has always been a great meeting place, and it played host to the Appalachian Exposition in both 1910 and 1911 and to the World's Fair in 1982.

Knoxville's bicentennial celebrates the city's storied history and heritage, and it reminds Tennesseans and, indeed, all Americans of the historic growth of the United States from a country of small, frontier communities to the world's largest and greatest democracy.

Mr. President, I join my fellow Tennesseans today in honoring and saluting Knoxville on its 200th anniversary and in expressing our hopes for another 200 years of prosperity and growth of this great city.•

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE MASSACRES AT BABI-YAR

• Mr. D'AMATO. Mr. President, today, I rise to commemorate the 50th anniversary of the massacres at Babi-Yar. Over 200,000 people were murdered by the Nazis at Babi-Yar, and yet for so long this horrendous part of the genocide in Europe, went unacknowledged. In just 2 days, September 29–30, 1941, over 33,000 Jews were murdered in the ravine at Babi-Yar, more than at any 2-day period in the height of the slaughter carried out at either Auschwitz or Treblinka. Jews, Poles, Ukrainians, Romanians, and Gypsies, all perished in the hell that was Babi-Yar. As we remember this horrible event, we say, "never again."

Never should any group face discrimination because of race, creed, or color. Never should a group be permitted to persecute any minority for any reason. And never, should wanton violence go unchecked.

Babi-Yar happened because democracy failed to act. Murder was abetted by the repudiation of this horrible act by the Soviet Union. History cannot be repudiated. History cannot be forgotten. With the end of Soviet communism, comes the end of the charade of Soviet history. Now, the purposeful denial of the massacres that occured is over.

The memory of Babi-Yar is renewed. Soon, a plaque on this site will announce to the world, that the victims of these massacres did live and will not be forgotten.

If we allow persecution, if we allow discrimination, if we allow violence—at home or abroad—Babi-Yar will happen again. With vigilance as our duty, we can face down totalitarianism and encourage freedom and democracy. When we commemorate the massacres at Babi-Yar, we recall the watchword, "never again."•

GERMAN-AMERICAN DAY

• Mr. RIEGLE. Mr. President, I stand before you today not only as an American, but as a proud German-American. Today, I join Americans of German ancestry in celebrating German-American Day. On this day, we reflect on the common heritage shared by 1 in every 4 Americans—over 50 million people. In my own State of Michigan, more than 2.5 million residents claim at least partial German ancestry.

For more than three centuries, since the first Germans arrived in America near Germantown, PA on October 6, 1683, Germans have contributed to our Nation's unique blend of cultures. German-Americans have brought their talents to all walks of life and have touched each and every one of us. We have all benefited from the inventions of German-Americans such as Levi Strauss and George Westinghouse. The achievements of German-American scientist Albert Einstein supply the link which joins the knowledge of the past with the advanced technology of today. German-American leaders, including former President Dwight D. Eisenhower and the labor movement's Robert Wagner, answered our country's call to public service, helping to guide us through critical periods of national change. And of course, we have all experienced the delights of German cuisine—from hot dogs to hamburgers, Black Forest cake to sauerbraten.

Elements of German contributions to American life extend to this day. Our challenge is to ensure that they remain a part of our heritage through the 21st century and beyond. We live in an increasingly interdependent world—a world where relationships are evermore important as we emphasize consensus over conflict. In such a world, it is crucial that we reaffirm the special bond between the German and American people and the spirit of friendship and cooperation that ties our peoples together.

With the formal reunification of Germany last year and then birth of democracy throughout Eastern Europe, we stand at a unique moment in history. The future is in our hands. As the sponsor of legislation which designated today as German-American Day, I firmly believe that the actions we take in the coming years must be directed toward strengthening the close relationship between Germany and America.

Mr. President, today as we celebrate German-American Day, let us commemorate the significant contributions that Americans of German descent have made to our society. And, on this special day, let us rededicate ourselves to preserving the heritage of German-Americans and to deepening the bond between the German and American peoples.•

SURFACE TRANSPORTATION EFFICIENCY ACT

• Mr. DANFORTH. Mr. President, I rise today to express my concern about the status of the Surface Transportation Efficiency Act. On June 19, 1991, after more than a week of intense debate and negotiation, the Senate passed a transportation package. I opposed the original verison reported by the Senate Committee on Environment and Public Works because it perpetuated a formula which was unfair to Missouri. Under the formula, Missouri received considerably less money in transportation aid than it contributed in Federal excise taxes on motor fuel. In 1989, for example, Missouri contributed more than $370 million to the highway trust fund, yet received less than $286 million for its transportation needs—a return of only 77 cents on the dollar.

My State possesses some of the worst roads and bridges in the country. More than 70 percent of Missouri's roads require resurfacing or reconstruction. Driving on these old worn roads cost Missouri motorists and estimated $740 million in 1989—about $208 per motorist—in extra vehicle operating costs. In 1991, the Federal Highway Administration identified slightly more than 10,000 bridges in Missouri which need to be replaced, more than any other State in the country.

I voted for the final Senate transportation package because, during debate in the Senate, significant improvements were made on the legislation to achieve a greater degree of fairness in allocating funds to States. Compared with the committee version of the bill, the Senate-passed measure would provide an added $209 million in highway and transportation money for Missouri over the 5 years of the new program. Missouri would receive nearly a dollar back for every dollar it contributes in gas taxes over the next 5 years. I was not, however, completely satisfied with the Senate package. Additional changes should have been made, particularly with respect to altering the basic formula for allocating motor fuel tax receipts among the States.

It is now 3½ months later, the old highway authorization has expired, and a new one is not yet in place. Over the last month, I have heard from mayors of cities and towns from all around my State crying out for a new highway package. The head of the Missouri Highway and Transportation Department has told me that, as of September 30, Missouri is not of Federal highway funds and cannot begin new highway construction projects. Our State cannot afford this lapse. We need a new bill now. The House of Representatives has been tinkering with its highway package for months. My message to the House is simple: Get off the dime and pass a new transportation bill. Pass one that is at least as favorale as the Senate bill. Let's work something out so that our highway workers in Missouri can continue to improve Missouri's roads and bridges.•

FEDERAL PREPAREDNESS FOR IMMIGRATION EMERGENCIES

•Mr. GRAHAM. Mr. President, on July 30, 1991, the Senate adopted three amendments I offered to the bill whose conference report we are approving today: H.R. 2608. These amendments were designed to address the immigration concerns of the south Florida immigration community and to take some initial steps toward preparing the Federal Government for an immigration emergency such as we experienced in Florida in 1980, when I was Governor.

The amendments, in their original form, required of the Attorney General three things:

First, issue regulations for the Immigration Emergency Fund established in 1986.

Second, develop a tracking system for I-94 forms—the papers used by the INS to record the entry and departure of foreign visitors to the United States.

Third, cap at 90 days the length of detention for excludable aliens held at Krome Processing Center in Miami if they meet defined conditions of parole.

Mr. President, I am pleased that the conferees left the first amendment intact. These regulations are vital to making sure the $35 million in the fund is immediately available in case an emergency arises.

The second amendment is critical to determining the magnitude of visa overstays—the method by which the lion's share of Cubans trying to immigrate to the United States are getting here. The INS is unable to provide us with current statistics on the rate of overstay, and this information is of tremendous importance to the communities which are being impacted by these visa overstays.

In the face of outlandish administration estimates regarding the cost of this amendment—one of which placed the annual impact at $100 million—the conferees have chosen to require INS to study the costs of improved tracking of I-94s instead of moving immediately to require them to do so. This after we later established with experts at INS and CBO that the amendment would have only cost about $100,000 a year.

With that figure in mind, Mr. President, I want to clarify a point. All we are asking is for INS to make a better effort to collect departure forms at the sites where these forms are already collected, and then to take that improved data and process it in such a way as to provide statistics that are reasonably current on the number and demographics of people who are overstaying their visas. We are not asking for departure control or sophisticated new equipment. We just want INS to perform a function it should already be performing and can begin to perform at a nominal cost.

I am concerned that the language approved by the conferees does not reflect the simplicity of what my amendment would have done. INS should provide estimates only for activities which are appropriate to meet the objectives just described.

I am aware that INS hopes to upgrade much of the computer equipment currently used to keep track of foreign nationals entering and departing the United States. Improvement plans should certainly be coordinated with the goals we have outlined, but the costs of those plans should not be included in estimates made for Congress pursuant to the report language we have just approved. I look forward to working closely with Chairman Hollings and the authorizors on this issue on the implementation of an improved tracking system.

Mr. President, I would like now to turn the Senate's attention to the third amendment, regarding Krome Processing Center in Miami. In addition to the strides the amendment would take us in terms of Federal preparedness, this measure attracted the active support of a diverse human rights coalition.

Aliens are frequently detained at Krome 9 to 12 months before their immigration claims are resolved. Meanwhile, the facility regularly approaches or exceeds its capacity, forcing INS to transfer people hundreds of miles away. Krome was established to be a short-term processing center and must remain available as such. The backlog at Krome renders it useless as a processing center in the event of a new wave of arrivals.

Mr. President, 11 years since over 150,000 Cubans and Haitians poured into south Florida virtually all at once, the Federal Government has no contingency plan should a massive influx recur. World events of recent weeks affecting both Haiti and Cuba have drastically increased the likelihood of just such an event, and yet INS continues to oppose even the most rudimentary measures to prepare itself.

By paroling detainees from Krome who meet certain reasonable criteria, INS can ensure that space is available should the number of arrivals increase considerably. Furthermore, parole allows people to be free as their cases are resolved and, Mr. President, saves our beleaguered Federal treasury the $45 detention cost spent each day on each detainee. This financial impact cannot be understated in light of the budget restraints on INS.

I appreciate the conferees' willingness, in the face of steadfast administration opposition, to include the bulk of my amendment's requirements in the report. The language we are adopting today directs INS to expand its parole programs nationally, and particularly to work to alleviate past obstacles to effective implementation of parole programs in the Miami District.

I do want to ensure, however, that INS will work immediately to develop a suitable program so that the Service can begin paroling detainees as soon as possible. Given the fact that INS already had a pilot parole project underway which ended last spring, we should rightly expect INS to begin screening potential parolees and start an expanded parole program within 30 days. In addition, for the report to be meaningful for Congress, we have to maximize the length of time on which INS will report.

On the same section of report language, I also would like to discuss the

issue of parole criteria. My amendment set what I and many in the community of immigration experts feel are quite reasonable, if perhaps too restrictive, criteria for parole.

The conference language also defines what conditions INS should consider when determining an alien's fitness for parole. I know that the earlier Pilot Parole Program begun by the INS in May 1990 included the merit of the applicant's claim for asylum as a criterion for granting parole. Particularly in Krome, the restrictive use of this criterion may have hampered the success of the pilot program.

One option in the report before us would have been to allow INS to utilize the same criteria used in that pilot. We explicitly chose, however, to include language which I think better reflects the standards aliens should reasonably be forced to meet before qualifying for parole. Our concern is for the safety of the community and the equitable resolution of the process.

Mr. President, I worked closely with the chairman of the subcommittee in developing this report language, and it was my intention that the criteria outlined specifically in the report be the determining criteria for parole. I assert that it would be inconsistent for INS merely to interpret these provisions as guidelines to develop their own criteria, or that any other criterion take precedence over the ones explained here.

Mr. President, I want to pay special commendation to Senator HOLLINGS for his work in bringing Congress into agreement on the matters contained in this complex appropriations bill.

The language contained in the conference report is a strong mandate on INS to begin an effective parole program and take other vital steps which will help us prepare for and assess the magnitude of an immigration emergency.

But I look forward to working closely with Chairman HOLLINGS again when we have some data from INS on its activities in this regard and want to make perfectly clear to my colleagues and the administration that we will be carefully monitoring progress on these provisions. Should further legislative remedies be needed, be assured that I will be here urging the Senate to adopt them.

Again, Mr. President, I thank Senator HOLLINGS for his assistance and the entire Senate for its attention to this pressing issue.●

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT—H.R. 2508

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the conference report on H.R. 2508, the foreign aid authorization bill, at 5:30 p.m. on Tuesday, October 8; that there be 2 minutes equally divided for debate and that at the conclusion of debate the Senate, without any intervening action, vote on the conference report.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to request yeas and nays on that vote.

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

Mr. MITCHELL. Mr. President, I now 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.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Friday, October 4; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein; that Senator BRADLEY be recognized for up to 30 minutes; that the time from 9:15 a.m. to 10 a.m. be under the control of the majority leader or his designee, and that Senator ROCKEFELLER be recognized up to 15 minutes.

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

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

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

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HOLLINGS. Mr. President, I urge the adoption of the conference report.

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

The conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished leader.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate recess as under the previous order.

There being no objection, the Senate, at 7:25 p.m., recessed until Friday, October 4, 1991, at 8:45 am.

NOMINATIONS

Executive nominations received by the Senate October 3, 1991:

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

DEPARTMENT OF DEFENSE

DONALD C. FRASER, OF MASSACHUSETTS, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE DONALD J. YOCKEY.

VICTOR H. REIS, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE CHARLES M. HERZFELD, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES B. EICHELBERGER, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ELLIS D. PARKER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. JAMES J. JAMES [redacted] U.S. ARMY.
COL. JAMES B. PEAKE [redacted] U.S. ARMY.

CONFIRMATION

Executive nomination confirmed by the Senate October 3, 1991:

DEPARTMENT OF STATE

ARNOLD LEE KANTER, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, October 3, 1991*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. DERRICK].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 3, 1991.

I hereby designate the Honorable BUTLER DERRICK to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Madison T. Shockley II, Pastor, The Congregational Church of Christian Fellowship, Los Angeles, CA, offered the following prayer:

O God, in this awesome moment this august assembly pauses for reflection. We reflect upon the reality that our actions and deliberations stand under the judgment not only of those we represent from our peculiar domains, but they stand under the judgment of a God, a Creator, a Supreme Being whose sovereignty recognizes no borders. We reflect upon the responsibility we have to the one who is most intimately related to every human being, every animal, every flower, yes every living thing. And inasmuch as the decisions made today impact the creation that You have made, its quality of life, and the quality of the relationships between and among the various dimensions of Your creation we stand together in the firm desire to please You and in awesome fear of offending You.

Because we know that You are a God of justice, a God of wisdom, a God of love, a God of peace, a God that created every human being with the dignity and power of a free will joined with a sense of responsibility and creativity, we call upon You with one voice to impart to us some measure of Your divine character that all we say and do may bring glory to You. Amen.

THE JOURNAL

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

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

Mr. DIXON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DIXON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 115, answered "present" 1, not voting 34, as follows:

[Roll No. 289]

YEAS—282

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Bennett
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Long
Lowey (NY)
Luken
Manton
Matsui
Mavroules
Mazzoli
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—115

Allard
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (CA)
Upton
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Broomfield

NOT VOTING—34

Beilenson	Lehman (FL)	Slattery
Berman	Lloyd	Slaughter (NY)
Carper	Lowery (CA)	Slaughter (VA)
de la Garza	Markey	Staggers
Dymally	Martinez	Stark
Ford (TN)	McCloskey	Sundquist
Frost	Mrazek	Vucanovich
Holloway	Nagle	Walker
Hopkins	Pease	Waters
Hoyer	Pelosi	Wilson
Hunter	Rostenkowski	
Kaptur	Sanders	

□ 1025

Mr. SAVAGE changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. TORRES] please come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2387. An act to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes, and

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.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2519. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

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 (H.R. 2519) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agree to the amendments of the House to the amendments of the Senate numbered 4, 5, 9, 20, 25, 26, 35, 36, 37, 40, 58, 67, 70, 72, 77, 79, 95, 107, 111, 112, 119, 121, 122, 133, 146, 150, 151, 156, 162, 164, 168, 172, 174, and 175, to the above-entitled bill.

The message also announced that theSenate agrees to the amendment of the House to the amendment of the Senate numbered 21 with an amendment.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5. An act to grant employees family and temporary medical leave under certain circumstances, and for other purposes, and

S.J. Res. 110. Joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

The message also announced that, pursuant to section 276, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. AKAKA, as a member of the Senate delegation to the Fall Interparliamentary Union Meeting, to be held in Santiago, Chile, October 7–12, 1991.

The message also announced that, pursuant to Public Law 101–557, the Chair, on behalf of the majority leader and in consultation with the Republican leader, appoints Mr. PRYOR and Mr. MACK to the Task Force on Aging Research.

REV. MADISON THEODORE SHOCKLEY II

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

Mr. DIXON. Mr. Speaker, I am honored to welcome Rev. Madison Theodore Shockley II as our guest chaplain. Rev. Shockley is the distinguished pastor of the Church of Christian Fellowship in Los Angeles where he has served over the last 3 years.

He is a native of Los Angeles and was raised in a neighborhood not far from the church he now pastors. He attended Harvard University and received his bachelor of arts at the University of Missouri in St. Louis, a master of divinity at Union Seminary in New York City and he is completing his doctorate in religion at Claremont Graduate School in Southern California.

For 10 years, Reverend Shockley pastored several A.M.E. churches across the country, including Bethel A.M.E. Church in Wellston, MO; Jordan Chapel A.M.E. Church in Denver, CO; and Walker Chapel A.M.E. Church in Seattle, WA.

Reverend Shockley is not only an inspirational minister, spiritual advisor and compassionate leader of Christian Fellowship Church, but he is also an advocate in his community for social justice. In an effort to assist the homeless and those in need, he organized a food distribution program serving 100 families each week at Brookins Community A.M.E. Church. He has been a crusader for reforms in the Los Angeles police department and the county sheriff's department as a result of cases of police brutality and misconduct and has fought to find affordable homes and shelter for the homeless. He has organized grassroots forums on the U.S. role in the gulf war and reducing the arsenal of nuclear weapons throughout the world and has fought for dismantling apartheid in South Africa.

Reverend Shockley has taken on other leadership roles in the Los Angeles community. He is on the board of directors of the Interfaith Center to Reverse the Arms Race, the advisory board of Love Is Feeding Everyone [LIFE], and is the chair of the Los Angeles chapter of the NAACP's Religious Affairs Committee.

In an effort to expand his community outreach, he was the guest host of a religious education program entitled "Everything You Wanted to Know About Religion But Were Afraid To Ask," and a consultant to "Amen," the television program about a black church.

Reverend Shockley, his wife, Gayle, and their four children, Somalia, Shani, Madison, and Marcus, are positive role models in their church as well as community.

Mr. Speaker, I am pleased that Reverend Shockley could be here this morning to serve as guest chaplain and deliver our opening prayer. I have the highest respect for Reverend Shockley, not only as a dedicated member of the clergy, but also as a gifted scholar, teacher, and friend. Join me in extending best wishes to Reverend Shockley and his family.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 2, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial results received from the Honorable Richard Mahoney, Secretary of State, State of Arizona, stating that, according to the unofficial returns of the Special Election held on September 24, 1991, the Honorable Ed Pastor was elected to the Office of Representative in Congress, from the Second Congressional District, State of Arizona.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

PHOENIX, AZ,
September 25, 1991.

DONNALD K. ANDERSON,
Clerk of the House of Representatives, Capitol Building, Washington, DC.

DEAR MR. ANDERSON: As requested by your office, the "unofficial" vote totals from the Congressional District 2 Special General Election held yesterday in Arizona to replace Representative Morris Udall are attached. These totals include all ballots cast in the election.

A certified copy of the official vote will be sent to you when the canvass has been completed. If we can be of any further help, please call us at (602) 542-8683.

Sincerely,

RICHARD MAHONEY,
Secretary of State.

SWEARING IN OF THE HONORABLE ED PASTOR OF ARIZONA AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona, Mr. ED PASTOR, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Will the Member-elect from the State of Arizona [Mr. PASTOR] and the members of the Arizona delegation come forward to the well of the House?

Mr. PASTOR appeared at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the House.

WELCOME TO THE HONORABLE ED PASTOR

(Mr. STUMP asked and was given permission to address the House for 1 minute.)

Mr. STUMP. Mr. Speaker, as dean of the Arizona delegation, it is my pleasure to yield to a gentleman who has been a long-time friend of the gentleman from Arizona [Mr. PASTOR], who was born in Arizona, by the way, and I would defer to him for the introduction of our new Member, the gentleman from Arizona [Mr. PASTOR].

Mr. Speaker, I yield to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I am deeply honored today, as a native-born Arizonan, to introduce to this Chamber the Honorable ED PASTOR, the U.S. Representative from the Second District of Arizona.

ED PASTOR is the first Hispanic-American to represent the State of Arizona and has pledged to carry out the rich and noble work of his predecessor, our revered colleague, Morris Udall, who embodies integrity, ability, and knowledge of the needs of the people of the Second District. Indeed, ED PASTOR will follow in that tradition.

He is no stranger to the body politic, having started out his career as a staff assistant to Governor Castro.

He was elected to the Maricopa County Board of Supervisors in 1976.

He was reelected in 1980, 1984, and 1988. He resigned in May of this year to seek the Second District seat.

He has spent the better part of 15 years responding to the needs of his constituents. No doubt that he will respond with the same devotion and attention to his new congressional district. He will be helped by the discipline of his legal training, earning a juris doctorate in 1974 and earlier a bachelor of arts degree in chemistry from Arizona State University, the same university which in 1984 honored him as a distinguished alumnus of the college of law.

Mr. Speaker, I share the same birthplace as ED PASTOR: Miami, a small copper mining town in Arizona, a town that provided work for poor miners in the depths of the Depression and thru the War years. My father and his father worked that mine—truly they were the salt of the Earth. His mother, Margarita, and his copper-miner father, Enrique, raised their children searching for the American dream. Today it has been fulfilled as their son joins this House.

Mr. Speaker, I present the Honorable ED PASTOR.

Mr. STUMP. Mr. Speaker, I yield to the gentleman from Arizona [Mr. PASTOR].

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. It is the rule of the House that we welcome all guests and ask them not to, during the course of debate, express any act of approval or disapproval. But the many friends and constituents of the gentleman-elect may be permitted to have expressed their very strong approval of his swearing in.

It gives me great pleasure to recognize the newly elected Member of the State of Arizona delegation, the Honorable ED PASTOR.

EXPRESSION OF GRATITUDE FOR HONOR TO SERVE IN HOUSE

(Mr. PASTOR asked and was given permission to address the House for 1 minute.)

Mr. PASTOR. Mr. Speaker, I thank you.

Mr. Speaker, members of the Arizona delegation, and Members of the House of Representatives, I am truly honored to stand before you today as a Member of this House.

I share that honor with my friends. I share that honor with my family, and in particular my wife Verma, my two daughters Laura and Yvonne. I thank all of them for their support and hard work in the past few months.

I also want to thank the leadership, my colleague, VIC FAZIO, and all the other Members who have helped me to reach this point.

My greatest debt of gratitude goes to the people of the Second District in Arizona, the people of Tucson, Nogales, Yuma, Ajo, and Phoenix, who have allowed me in this small way to make history.

I am grateful for the opportunity to serve them, and honored to continue in the great tradition of my predecessor, Mo Udall.

THEY WILL BE WEARING SOFT SHOES

(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, press accounts indicate that when the President visited a school recently, the children were told to wear soft shoes, not to make noise.

If that is going to be the approach to education, think what can be done about unemployment. Think what the White House media masters can do when the President vetoes the unemployment bill. Why, they can have him go to the unemployment lines. Think what they can do there. The President can stand in front of the unemployed, those growing lines, and tell them about how the S&L bailout should be off budget, but not their 13 weeks of additional benefits. He will crack the crowd up with a line about needing to preserve the basic fabric of nations abroad, but not willing to help working families keep body and soul together during hard times.

He will simply bring the lines of unemployed to their feet about telling them what they need is a growth package, one that gives capital-gains benefits to the rich while denying unemployment benefits to middle-income persons.

But you know, there is some good news for the White House, too. Since they spend long hours pounding the pavement looking for work, most of those people in those lines will be wearing soft shoes.

IN RECOGNITION OF NATIONAL BREAST CANCER MONTH

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

Mr. BALLENGER. Mr. Speaker, in these times of increased knowledge and

funding for AIDS, the public awareness of the dangers of high cholesterol, and the widespread campaign against the evils of drug and alcohol abuse, I would like to call your attention to a lesser known and lesser funded killer. This silent murderer slayed over 44,000 Americans in 1990 alone. This killer is breast cancer.

In recognition of October as National Breast Cancer Awareness Month, I would like to take this opportunity to call for the adequate funding of breast cancer research. Two of my next door neighbors have died from the disease, and two other friends have been diagnosed with breast cancer. In the past year, I lost my Gaston County campaign chairman to the illness. Statistics, however, have proven that with early detection and proper treatment, a 5-year survival rate of nearly 100 percent can be attained. This is an extremely vital statistic because 1 out of every 9 women will develop breast cancer at some time in her life. I have been touched by the effects of the disease, and I am sure that many of you have been as well.

By educating the public about the importance of and means for early detection, by encouraging women of all economic groups to request these procedures, we can fight breast cancer and win.

□ 1040

DO SOMETHING FOR AMERICA: EXTEND UNEMPLOYMENT BENEFITS FOR JOBLESS AMERICANS

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

Mr. BUSTAMANTE. Mr. Speaker, three times this Chamber has voted positively to help the 8½ million Americans out of work, and it looks like the President will ignore our efforts to extend unemployment benefits to the long-term unemployed.

The President has done many good things overseas. He is working for peace in the Middle East and on ways to stabilize the economic chaos in Russia. To foreign lands and emerging new democracies he is urging America to offer an outstretched hand, but the jobless here at home are forced to depend on handouts.

According to today's Washington Post, we are airlifting MRE's to 200,000 troops in Angolia, but to over 8 million Americans Mr. Bush will not extend unemployment insurance. Somehow I find the logic flawed.

The administration claims that there is no recession, but the economy is losing 9,400 jobs a month. That is no sign of an economic turnaround. If the administration cannot deliver on its promise of job growth, then let us allow the unemployed some modest means to ride out these tough times.

Let's for once take some action to take care of our own. The Unemployment Insurance Reform Act we approved 2 days ago does that, and I urge the President to do the right thing by America and for millions of jobless Americans by affixing his signature to the bill.

CONGRESSIONAL TAMPERING WITH FOREIGN POLICY

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

Mr. BLILEY. Mr. Speaker, there was a time when politics stopped at the water's edge. There was a reason for that, rooted in the Constitution. The President had responsibility for foreign policy, and the Congress in general cooperated once the issues had been discussed. But the revelations that some members of this body have been interfering in the legitimate conduct of this Nation's foreign policy require us to get to the bottom of this problem.

This apparent tampering with foreign policy has to be investigated. There is too much at stake to allow the records which apparently are known to exist within the Intelligence Committee to lie in some vault. I call on the Central Intelligence Agency, the National Security Agency, and the White House to make these records available for congressional attention.

If House rules or Federal law has been broken, then we need to know that—the Congress must keep faith with the American people on this. This is not just a historical curiosity, Mr. Speaker. This is a constitutional crisis. Already several prominent members of this body have been mentioned in connection with this situation in the press. Let us skip all that and go directly to the record.

CYNICAL MANIPULATION OF INSIDER TRADING REGULATIONS

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

Mr. McCURDY. Mr. Speaker, The short-sighted greed of the eighties is alive and well in Detroit in 1991. Eight weeks ago, the chairman of General Motors put up for sale 24 percent of his common stock holdings in his own company and brought home more than $1 million. Other top executives followed suit. On the next day a fellow officer made statements about the company's expected profits that caused a sharp drop in the price of that same stock.

Do you know the reason given for this massive sale of stock? These executives did not receive their customary stock bonuses because of poor company performance last year.

Mr. Speaker, I am not in a position to question the legality of this trade. What I question, and what I am appalled by, is the damage this kind of behavior does to American capitalism. It is just this kind of cynical manipulation of insider trading regulations that tells outside investors—ordinary men and women—they cannot get a fair shake when they invest in the economic engine of our Nation.

More importantly, this trade, during a lingering recession, says that the leaders of American industry are obsessed with their own personal balance sheets. They have little commitment to the companies which provide their perks and seven-figure salaries. They run these companies into the ground knowing they will get out with a million dollar stock sale. In the meantime, down on Main Street, America, plants are shut down, wage earners are laid off, and dreams of homeownership and going to college are broken.

ANOTHER CRISIS IN THE HOUSE OF REPRESENTATIVES

(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, we have a crisis in the U.S. House of Representatives. First it was the House bank and stories about Members in this body bouncing checks. Now it is $300,000 owed by Members to the House dining room.

Today's newspaper is filled with stories from one coast to the other of names, of speculation.

Last weekend we went home and we got ridiculed. We heard jokes about bouncing checks. I fear the thought of going home this weekend when we are going to hear anger about Congress' free lunch program.

Mr. Speaker, I believe the time has come to thoroughly examine the conduct of this House. The time has come to be open and honest with the American people.

Mr. Speaker, the time has come to release the names of those involved and those who are ruining the reputation of this institution.

TAIWAN, A FRIEND OF AMERICA

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

Mr. SARPALIUS. Mr. Speaker, I rise today to take issue with those calling for a national plebiscite for the Republic of China on Taiwan. The people of Taiwan have the democratic mechanisms at their disposal to express what their political future should be. I do not believe they need the U.S. Congress or the administration to treat them like some territory.

For over four decades now, the Republic of China on Taiwan has been building and improving their democracy. It seems to me that this body and the administration should be more interested in the plebiscite of the mainland of China. Taiwan seems to me to be one of the few trading partners the United States has today that is making a good-faith effort to buy American products on those goods and services that they import. The people of Taiwan are our friends and it is time that we started treating them like friends, rather than like some possession of a colonial empire.

THE BIG EMBARRASSMENT OF CONGRESS

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

Mr. KLUG. Mr. Speaker, if I listen quietly I can hear the snickers all around the Capitol, and the whispers of "I told you so big mouth." One of the freshman who called for full disclosure has now revealed that he has bounced checks too.

OK with me. My cards are on the table. Now let us see everyone else's hand. As A. Whitney Brown used to say on Saturday Night Live, let us keep our eye on the big picture.

First this House continues to act as if its routine business affairs are classified information. That is wrong. If the Freedom of Information Act applied to Congress, these records would have been public for years, and this scandal would have ended a decade ago.

And remember the central issue since the 7 freshman started this campaign were the 24 major violators who repeatedly, and knowingly bounced checks in the tens of thousands of dollars.

Now we are going to see reporters mailing out surveys again to find out who has eaten thousands of dollars of free lunches at the House dining room. Now Congress is trying to shush up those names too.

If that information was public I know those outstanding bills, some dating back to 1985, would have been paid long, long ago.

This has never been a fight to embarrass individual Members. It has been about the institution's attempts to hide everything, and that is the big embarrassment for us all.

ADMINISTRATION SPENDING $25 MILLION TO BREED MICE CUTS THE CHEESE

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

Mr. TRAFICANT. Mr. Speaker, the administration is spending $25 million to construct facilities for the purpose of breeding specialized strains of mice for biomedical research; $25 million, Mr. Speaker, even though the cities will give us all the rodents we need.

Let me ask you something, Mr. Speaker. Will these mice have their own condo? Will they have waterbeds? How about a jacuzzi?

Do you not think, Mr. Speaker, it would be cheaper to send these rodents to Niagara Falls for a couple weeks?

Is it any wonder there are 9 million unemployed Americans, no health insurance for 37 million Americans, and our Nation is almost bankrupt?

This is ridiculous, $25 million. I think this cuts the cheese.

□ 1050

CONGRESS SHOULD BAN SPECIAL-INTEREST SOFT MONEY FROM FEDERAL ELECTIONS

(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, soft money is one of the most difficult and misunderstood aspects of the campaign finance debate. It is essentially money that is raised outside of the Federal election limits and used to benefit candidates for Federal office. This should not be allowed to happen, and there is a logical solution on which we should be able to build bipartisan support.

The solution is quite simple. When any partisan political activity, such as voter registration or get-out-the-vote drives, affects a Federal election, every penny of the funds that pay for that activity should be raised under the Federal election law. There should be no loopholes or exceptions as there are in current law. Corporations and unions should be bound by the same limits that apply to direct contributions to candidates.

I invite my colleagues to join in banning special interest soft money, once and for all, from Federal elections.

THE FEDERAL GOVERNMENT SHOULD INVESTIGATE ABUSES IN THE MEDICARE PROGRAM

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

Mr. APPLEGATE. Mr. Speaker, one of the Administration's great shames is now they are taking care of their senior citizens. I am talking about those who built this country and paid their share, and also talking about many who are veterans.

They are being conned and they are being scammed by greedy and so-called honest business people, being bilked out of billions of dollars of money.

Mr. Speaker, these senior citizens are being abused with inferior service and equipment through Medicare. Medicare, that which they, when they get in their senior years, are going to depend upon. And the Government is not investigating it.

What we need in this country is a national health policy, but with public and independent watchdog authority. Our seniors and taxpayers deserve a lot better. They should be able to depend upon their Government, not fear it.

I say we hunt down those violators who violate the trust of this country and send every damned last one of them to prison.

CONSTITUTIONAL "CHECK AND BALANCES" DOES NOT MEAN CASHING BAD CHECKS ON OVERDRAFT BALANCES

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

Mr. HANCOCK. Mr. Speaker, at a time when the Congress is facing so many issues, it is a tragedy and a disgrace that the irresponsible conduct of some Members has served as an unfortunate distraction.

Those Members who abused their check cashing privileges at the House bank have forced me to waste my time reassuring the people of southwest Missouri that I am not a part of that crowd.

Frankly, I resent being forced to defend my integrity because of the financial irresponsibility of others.

Now some Members blame the news media and say this issue has been blown out of proportion.

It is a scandal for Members of Congress to abuse their office in this way. No wonder some Members are so irresponsible with tax dollars when they cannot even manage their personal finances.

Let the blame rest where it belongs—with those Members who have disgraced themselves and our institution.

As a student of our Constitution, I thought I knew about constitutional checks and balances. I had no idea that meant cashing bad checks and keeping overdraft balances. This scandal is a discredit to the Congress.

TWENTY-FIFTH ANNUAL COUNTRY MUSIC ASSOCIATION AWARDS

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

Mr. CLEMENT. Mr. Speaker, last night, in Nashville, TN, the stars came out and shined brightly.

In the Opry House and on national television, the 25th Annual Country Music Association Awards were presented to the top country artists the industry has to offer.

From Garth Brooks, winner of four awards, including Entertainer of the

Year, to the Kentucky Headhunters, the Judds, Travis Tritt and the Songwriting team of Boudleaux and Felice Bryant, the list of talented artists, musicians, writers and producers featured last night goes on and on.

I can only say that the list of winners and nominees is indicative of the promise ahead for country music and the rich tradition from which they came.

Last night's Country Music Association Awards showcased both artist and the musical form itself and clearly demonstrated why country music is so popular here at home and around the world. New and old blended together, perhaps represented no better than by the duet performed by Clint Black and Roy Rogers.

Mr. Speaker, I am privileged to represent the heart of country music here in the Congress. But it is on behalf of fans everywhere that I offer my heartfelt congratulations to all of last night's award winners.

I also want to thank the Country Music Association itself, and its selfless and untiring executive director, Jo Walker-Meador, for producing an exciting and entertaining show. I also want to compliment the show's hostess, Reba McEntire.

Last, Mr. Speaker, I want to thank the President and First Lady for coming to Nashville last night to join in the celebration. By their mere presence they honored country music, both artist and fan alike.

[List of award winners follows:]

NASHVILLE, TENN. (AP) Winners of 1991 Country Music Association Awards:

Entertainer of the Year: Garth Brooks.

Male Vocalist of the Year: Vince Gill.

Female Vocalist of the Year: Tanya Tucker.

Album of the Year: "No Fences," Garth Brooks.

Single of the Year: "Friends in Low Places," Garth Brooks.

Vocal Duo of the Year: the Judds.

Vocal Group of the Year: Kentucky Head-Hunters.

Country Music Hall of Fame: Boundleaux and Felice Bryant.

Music Video of the Year: "The Thunder Rolls," Garth Brooks and director Bud Schaetzle.

Horizon Award: Travis Tritt.

Song of the Year (award to songwriter): "When I Call Your Name," Tim DuBois and Vince Gill.

Vocal Event of the Year: Mark O'Connor & the New Nashville Cats (featuring Steve Wariner, Ricky Skaggs and Vince Gill).

Musician of the Year: Mark O'Connor.

Irving Waugh Award of Excellence: Jo Walker-Meador, Executive Director, Country Music Association.

DEMOCRAT "TEN-YEAR PLAN" IS DOOMED TO FAILURE

(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, years ago, before I was a Member of this august body, I remember Congress being referred to jokingly as "Disneyland East," a world of make-believe and fantasy. It appears we are about to reinforce that reputation.

Some of our colleagues on the other side of the aisle have dreamed up the idea of a "10-year budget plan." That sounds great, except it falls into the realm of fantasy when we cannot even stick to a budget plan we established just 1 year ago.

The same budget-busters who gave us record deficits now want to chart a budgetary course which would lead us limping into the next century.

I would say to my colleagues that, based on the track record of the present majority in this House, the so-called "10-year plan" is doomed to failure. The fact is, Mr. Speaker, that Congress must buckle down and do the hard work of crafting a frugal, workable budget on an annual basis. Unless we do that, and the Democratic leadership has to date shown no willingness to do so, we can forget about a "10-year plan."

Our colleagues on the other side of the aisle have leaped at every opportunity to burst our current budget. Let us not give them the opportunity to bring their free-spending ways into the 21st century.

SOLID WASTE METALS REDUCTION ACT

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

Mr. WOLPE. Mr. Speaker, today I am joined by my colleagues, Mr. ECKART, Mr. RINALDO, and Mr. GREEN in introducing the Solid Waste Metals Reduction Act. This bill would eliminate from packaging materials four toxic heavy metals: lead, cadmium, mercury and chromium. Our bill is similar to legislation developed by CONEG, the Coalition of Northeastern Governors and has already been enacted into law in 10 States.

These four heavy metals pose a grave threat to public health and safety and are among the chief offenders in incinerator ash contamination and landfill leachate poisoning. With packaging materials comprising nearly 30 percent of all our municipal solid waste, elimination of these toxins in all packaging materials will be a major step in the reduction of the toxicity of our waste streams.

The Solid Waste Metals Reduction Act would prohibit the intentional addition of these toxic metals after 2 years of enactment, with exemptions for packages that require these metals for the protection and safe handling or function of the package's contents.

Our bill enjoys the support of industry, State governments and environmentalists. I urge my colleagues to cosponsor the Solid Waste Metals Reduction Act.

SMALL-BUSINESS JOBS AND TAX BENEFITS ACT

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

Mr. FRANKS of Connecticut. Mr. Speaker, today I am introducing legislation which would extend several tax credits to our small businesses.

My legislation, the Small-Business Jobs and Tax Benefits Act of 1991, would extend for 1 year the Research and Development tax credit, the targeted jobs tax credit, the employer provided education benefits, the tax-exemption of small issue bonds and the health insurance deduction for the self-employed.

These tax benefits are set to expire on December 31, 1991. Last year they were part of 11 tax credits that were extended through the budget package.

The extension of these tax benefits are essential to the growth of small businesses across the country. Their expiration would deal a severe blow to the small business community during these tough economic times. I urge my colleagues to work toward the adoption of this bill.

□ 1100

ISRAEL'S SOCIALIST PAST MUST BE DISMANTLED

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

Mr. SCHEUER. Mr. Speaker, a Washington Post article this morning points out that Histradut, the powerful Israeli labor federation, owns 25 percent of all Israel's enterprises. For Israel to enjoy a vibrant economic future, this remnant of Israel's socialist economic past must be dismantled. It is a 900-pound gorilla that hovers over the Israeli economy, stultifying initiative, impeding progress, and, too often, run by incompetent political appointees.

Mr. Speaker, at a time when the former countries of the Warsaw Pact, the Republics of the Soviet Union, and even the Government of Communist China are pursuing economic reform and liberalizing their economies to the forces of the free market, it is tragic that Israel continues to cling to this outmoded and disproven socialist economic model.

The Israeli people agree that economic reform is necessary. I know that many Israeli businessmen and the brilliant new head of Israel's Central Bank, Michael Bruno, believe Israel needs true economic reform. And it needs it now.

Year after year, I have met with and told Messrs. Shamir and Peres—until

I'm blue in the face—that they should pursue economic reform vigorously. Regrettably, despite their avowed interest in pursuing economic reform, the pace of reform has been pitiful. Now, once again, I urge them to see the same light Mr. Gorbachev has seen, and free the Israeli economy by taking Histradut apart, and privatizing its elements—piece by piece.

I say this as a friend, a devoted friend, of Israel. Friends of Israel desperately want her to set her economic house in order. With energetic economic reform, Israel can ease the burden on Israeli taxpayers, better provide housing for Soviet immigrants, and create new jobs for all her citizens. Israel can be happier and healthier if her leaders make the tough economic and political decisions now.

Israel's friends do her a disservice by not telling her the truth: until she embarks on real, meaningful economic reform, this cloud over her economic integrity will remain. By forgoing, or infinitely delaying, economic reform, Israel provides her enemies with a weapon to use in denying her such aid as the loan guarantees, which are so essential to meeting the desperate needs of Israel's newest citizens.

Histradut must be dismantled and the fresh breezes of free market forces encouraged to invigorate the Israeli economy.

WHY THE HIGHER EDUCATION ACT MAY BE VETOED BY THE PRESIDENT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, this week the Subcommittee on Postsecondary Education is considering reauthorization of the Higher Education Act. Included in this legislation is a proposal which would create a direct Student Loan Lending Program by the Federal Government. Currently, banks and private guaranty agencies run this program. The Federal Government tried this in the 1970's, but it was an abject failure. The Federal Government cannot do this job as efficiently as the private sector. History proves that.

Direct lending will increase costs for three reasons: first, the Government will assume 100 percent liability for all of the defaults; second, the Department of Education is not equipped to run this large-scale program; and third, direct lending will require the Government to borrow at least $10 billion per year, with likely increases to $20 billion by the end of the decade, and this will add to the Federal deficit.

Finally, Mr. Speaker, if this legislation is passed, the Secretary of Education is prepared to ask the President to veto this bill.

THE BREAST CANCER SCREENING SAFETY ACT

(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, this month is October, and October is Breast Cancer Awareness Month. The goal of making the month of October Breast Cancer Awareness Month is to raise the consciousness of all people to the very difficult and tragic circumstances of breast cancer.

We know all the sorry statistics. One out of every nine women can expect to contract breast cancer in her lifetime. Annually, yearly, it takes 45,000 women away from their families and their loved ones.

This month, Mr. Speaker, is, therefore, an appropriate time to announce my cosponsorship of a bill that was just recently introduced by our colleagues, the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentlewoman from Tennessee [Mrs. LLOYD]. It is called the Breast Cancer Screening Safety Act, which establishes accuracy and safety standards for mammography. Mammography is one means of early detection, and early detection can save as many as 10 percent of the women who are detected with breast cancer.

So, Mr. Speaker, in this month of October I urge my colleagues to support the bill introduced by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentlewoman from Tennessee [Mrs. LLOYD].

MANAGUA SURPRISE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, this body needs to know what Members have been playing Secretary of State by conducting their own foreign policy with the Sandinista Communist government of Nicaragua in years past. We need the agencies which were keeping tabs on the Sandinistas to provide the most complete information on the contacts between Members and their staff and the Nicaraguan Sandinistas. We need to air this issue and determine who was involved and to what extent. The American people deserve to know what the Congress has been up to.

Apparently, within the intelligence community the existence of these records has been more or less common knowledge. It is time the records were put on the table for the rest of us to read and to learn who was in touch with whom and to what purpose. There are rules which must be served, standards of conduct, and the very strict controls of classified information in the Select Committee on Intelligence. If either or both of these rules were broken, then this should be determined and appropriate action taken.

I call for complete disclosure on the Managua connection.

INTRODUCTION OF LEGISLATION DESIGNED TO PREVENT MARINE MAMMAL DIE-OFFS

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

Mr. CARPER. Mr. Speaker, during a 14-month period, from July 1987 through September of 1988, over 800 bottle-nosed dolphins washed up on the Atlantic shores of our country. Thousands of others died at sea, were washed off to sea or were consumed by sharks. Three years later we still do not know conclusively what killed them.

Mr. Speaker, a study conducted in the aftermath of that dolphin die-off, along with hearings held by the Committee on Merchant Marine and Fisheries, revealed that our Nation lacks and still lacks an adequate system either for keeping track of the health of marine mammals or for responding to massive strandings. We have no adequate means for properly collecting, preserving, archiving, and analyzing tissues obtained from stranded marine mammals. In the meantime, the pollution of our coastal waters continues unabated in the years since the last dolphin die-off, setting the stage for another tragedy in the future similar to that which we witnessed 4 years ago.

Today the gentleman from New Jersey [Mr. SAXTON] and I are introducing legislation designed to reduce the likelihood that hundreds of dolphins or other marine mammals will once again wash up on our Nation's shores, and I would invite my colleagues to join us in sponsoring that legislation.

CAMPAIGN FINANCE REFORM REMAINS UNRESOLVED

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

Mr. WALSH. Mr. Speaker, as we head toward the close of the 1st session of the 102d Congress, many issues remain unresolved. At the beginning of the year the Speaker appointed an eight-Member task force on campaign finance reform. I was chosen as one of those Members, and now, many months later, no solution exists.

Mr. Speaker, we have held hearings in various areas of the country and in Wasington, yet we still cannot seem to find the mystery bill so often alluded to by the majority. Let us state for the record what the public has told us loud and clear:

Campaigns for Congress cost too much and are dominated by special in-

terest groups. The public does not want its money used to pay for campaigns. No public financing. Stop all leadership PACs. Have an open debate on the House floor.

Mr. Speaker, here is a serious issue that the public demands action on. Apparently the open process of trying to produce a bill is a charade, for none exists. Some of us have produced our own individual bills in hopes of giving the process a jump start, but still no action.

I hope, Mr. Speaker, we do not end up with a mystery bill being brought out of the old fashioned smoke-filled room and drop in as a substitute to some pending bill at the last moment. That would be a mockery in the eyes of every American voter.

FEDERAL SPENDING MUST BE CONTROLLED

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

Mr. STEARNS. Mr. Speaker, it is obvious that last year's budget agreement was a farce. Many of us thought that last year, but unfortunately for the American people, not enough.

Fiscal year 1991 closed on September 30 with a deficit $60 billion higher than last year's. According to the Tax Foundation, taxpayers were stuck with $164 billion in new taxes as a result of last fall's agreement.

I think many of the ills our economy has been experiencing can be traced back to that tax increse.

Our deficit isn't growing because Americans are taxed too little—it's growing because Congress spends too much.

Between fiscal year 1981 and fiscal year 1991, revenues to the Federal Government have grown 78.3 percent. But spending levels have doubled, rising 22 percent faster than revenues.

How can this happen?

Last year's foolish budget agreement demonstrates that new taxes just fuel unnecessary spending.

Mr. Speaker, it is clear that if the democratically controlled Congress is serious about deficit reduction then it must do something about unnecessary Federal spending. We need a constitutional amendment to balance the budget now more than ever.

□ 1110

THE EMPLOYEE LEAVE AND JOB BENEFITS ACT OF 1991

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

Mr. BILIRAKIS. Mr. Speaker, last year the House approved family and medical leave legislation which excluded employees in small businesses and provided a single defined benefit—unpaid leave.

I felt then, as I do now, that the one size fits all approach of this legislation simply does not account for individual needs and family emergencies. In response, I have introduced the Employee Benefits and Job Security Act. My bill is similar in approach to the American Family Protection Act introduced by Representative STENHOLM, and applies to all businesses, regardless of size. However, it differs in that it provides greater flexibility for employers and employees in defining the terms of employment benefit packages—effectively creating a cafeteria plan. It encourages employers to make available benefits by granting employers an additional 50 percent tax deduction for the cost of providing benefits during leave. These benefits could include health care, educational benefits, child care, additional vacation time, or pension benefits.

I urge my colleagues to give this bill serious consideration as an alternative to mandated leave. Twelve weeks is not enough, and if the idea is a good one let's make it available for all employers.

THE SMALL BUSINESS ECONOMIC OPPORTUNITY ENHANCEMENT ACT MEANS JOBS FOR THE UNEMPLOYED

(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, yesterday I introduced the Small Business Economic Opportunity Enhancement Act of 1991. This bill establishes a 5-year demonstration program providing direct loans to very small businesses, or micro enterprises.

It is intended to help the poorest of the poor in this country—those on welfare or other forms of Government assistance—achieve financial independence.

We in Congress have done little to unleash the entrepreneurial instinct that could transform an economically dependent member of our society into a productive, economically independent one. My bill would do just that.

By passing the Small Business Economic Opportunity Enhancement Act, we can provide so much more than a handout to our Nation's chronically unemployed. We can provide them with a decent income and a job they can be proud of.

And so, I would urge my colleagues to remember as this bill moves through the legislative process: It is easy to say that you are all for small business and jobs for our Nation's unemployed, but it is how you vote that really counts.

LEADERSHIP PAC's SHOULD BE ELIMINATED

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

Mr. CLINGER. Mr. Speaker, we all hope that, as promised, we are to take up campaign finance reform before the end of this session. As that debate approaches, I think it is time to start suggesting different approaches to reform.

For example, public financing of campaigns was discussed at length when this House debated campaign finance reform in the 101st Congress.

Mr. Speaker, it is the wrong way to go. On the contrary, I feel strongly that a congressional candidate's funds should come not from the U.S. Treasury, but from the people who live and work in the candidate's district.

There are other abuses that should be addressed in this debate. One inside-the-beltway source of financing that must be eliminated is leadership PAC's. They might as well be called slush funds. Members on both sides of the aisle have them and candidates of both parties have enjoyed their fruits, but the American people rightfully take a dim view of slick Washington money muscling in on what should be local contest. The reputation of this institution is suffering at the hands of these things.

The idea that candidates should look to their home area for financial support is hardly a radical idea. Mr. Speaker, it makes good sense. It merits a place in our debate and a positive vote.

FULL DISCLOSURE ON HOUSE BANK NEEDED NOW

(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, we need full disclosure of those Members who have abused the check cashing privileges of the House bank. The issue is not, in my judgment, an occasional overdraft, as some of the media reports have suggested.

The issues are, one, why didn't the House Bank follow the Speaker's instructions given over a year ago? Why did they not follow the written procedures, the notice of which was called for in 1988? Procedures were written down and then they were not followed. Why were they not followed?

Why were Members allowed to repeatedly abuse the system without bank officials objecting? Lastly, and most importantly, who engaged in check kiting and what is gong to be done about it? That is an offense which would be punishable as a criminal offense in most jurisdictions.

Mr. Speaker, this is a serious blot upon the reputation of the House. We need full disclosure now.

HOUSE SHOULD GET ON TRAIN OF DECENCY AND DISCLOSE BANK ABUSERS

(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, 8 days ago I came here to the floor with other Members of the House and asked the Speaker to release the names, the dates, and the instances of checks that were overdrafts on House accounts. The Speaker at that time said that it was for the integrity of the institution that we should not disclose these figures and we should not disclose these names.

What has happened since? What has happened is that, slowly but surely, these names are leaking out. Slowly but surely the institution is being dragged through the mud, clutching and screaming, saying, "No, no, we won't go."

It is going. The train is passing this institution, and we should stand here and say, let's get on the train of decency, let's get on the train of what is right in principle to the American people, and disclose those names. Let us clean up this mess that is here, and that is going to continue to be here, until, Mr. Speaker, you release the information.

ROOM AT THE INN FOR THE UNEMPLOYED

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

Mr. ESPY. Mr. Speaker, last week at the exact time that we were voting on the extension of the unemployment benefits, unfortunately I was being visited by officials from a major food processing plant in my district. They were telling me at that exact time that they were about to close this major plant in my district. That meant that 202 additional families in our Second Congressional District were about to feel the sting of this continuing recession. That meant that there was no question over whether this Congress should reach out to the unemployed, and there is no question but that the President should not veto this bill.

Mr. Speaker, we hear talk about the long-cold recession in the Soviet Union and how we should help out there. What about the long-cold recession still plaguing families all over our Nation?

There is room at the inn for the unemployed. We have about an $8 billion balance in our Unemployment Trust Fund, and we need to put that to work as more and more of our families remain out of work.

FULL DISCLOSURE OF BANK OF CORRUPT CONGRESSIONAL INCUMBENTS NECESSARY

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

Mr. RIGGS. Mr. Speaker, those of us who will be heading home at the conclusion of today's legislative business to our districts to meet with our constituents are bound to hear, given the amount of publicity over recent days, continuing snickers about BCCI. And, no, I am not referring to the Bank of Credit and Commerce International, which has left in its collapse a wake of greed and sleaze which the Banking Committee is now investigating, but rather the so-called House Bank of Bounced Congressional Checks, Incorporated, or, worse yet, the Bank of Corrupt Congressional Incumbents.

I personally as a new Member to this body take great exception to that type of cynicism, because it indicates a lack of faith and trust on the part of voters and the American public in this body, and leads to apathy and low voter turnout and citizen participation in government.

Mr. Speaker, only immediate and full disclosure of the list of names identified in the GAO audit and a complete investigation into the various allegations swirling around this scandal will allow this body to restore its credibility with the American people as a self-policing institution, and put an end to this cynical chorus which eats at the integrity of this institution.

□ 1120

A LETTER TO THE PRESIDENT

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

Mr. DORNAN of California. Mr. Speaker, I have here two letters, one to Secretary of State, our great traveling Secretary, Mr. Baker, and one to the President of the United States about a tragedy that is about to happen in Hong Kong. With all of the collapse, the dissolution, the dissolving of the witch of communism in front of our face, how could the great British people force back Vietnamese to one of the four remaining horrible Communist totalitarian powers, Vietnam.

I just want to read two paragraphs from this letter and ask all of my colleagues to sign it.

As we see it, the problem is not Vietnamese refugees, but a Vietnamese government that is one of the most oppressive in the world. And we reject the argument that most of the boat people are simply economic migrants. As one writer put it, "The term economic migrant, with its odor of money grubbing opportunism, is desperately seeking that same freedom." Indeed, in totalitarian societies such as Vietnam, blanket persecution is the norm, which makes us question how it is that only one in ten boat people in Hong Kong is granted formal refugee status.

Please stop this tragedy, Mr. Baker and our good President. I ask my colleagues to join me in signing these two letters.

Mr. Speaker, I include for the RECORD a copy of the letter from which I just quoted.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned Members of Congress, are writing to express our outrage at recent reports that Vietnam and Hong Kong have agreed to forcibly repatriate Vietnamese boat people. We urge the administration to oppose this immoral and inhumane policy.

The negotiations between the British and Vietnamese have occurred well outside the framework of the Comprehensive Plan of Action (CPA), the multilateral agreement that, though not perfect, has dealt effectively with the problem of Vietnamese refugees. If Hong Kong is free to pursue its forced repatriation policy, other countries in the region may be tempted to do likewise, putting the entire CPA at risk. And it bothers us that the British, who have been staunch defenders of human rights around the globe, have in this case so cavalierly disregarded the gross human rights violations in Vietnam.

As we see it, the problem is not Vietnamese refugees, but a Vietnamese government that is one of the most oppressive in the world. And we reject the argument that most of the boat people are simply economic migrants. As one writer put it, "the term 'economic migrants,' with its odor of money-grubbing opportunism, is a deliberate slander invented by free people to keep out others desperately seeking that same freedom." Indeed, in totalitarian societies such as Vietnam, blanket persecution is the norm, which makes us question how it is that only one in ten boat people in Hong Kong is granted formal refugee status.

At a time when communism is collapsing the world over, it is a pity that free people would turn their backs on those fleeing oppression. We therefore urge you to convey to the British and Hong Kong governments the administration's strong opposition to the forced repatriation of Vietnamese boat people or any other policy that threatens the viability of the CPA.

We thank you for your consideration.

Best regards,

ROBERT K. DORNAN.

PASS THE GRAMM-GINGRICH ECONOMIC GROWTH PACKAGE

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

Mr. HUNTER. Mr. Speaker, I listened to several Members from the Democratic side talk about unemployment and give particular individual descriptions of people who are unemployed in

this country and talk generally about that tragedy.

Let me just say to my Democrat friends, jobs are created by capital. That means money invested into plants, into operations in which people are hired and are able to pay for their college educations for their children, for food, for housing, and for all the things that are the quality of life in America.

Unless we pass the Gramm-Gingrich economic growth package that frees up capital and also does things like doing away with the earnings penalty for senior citizens so they can work also and includes investment tax credits, unless we do that, we are not going to be creating jobs.

It is wrong for the Democratic side of the aisle to be bleeding the patient on a daily basis by refusing to pass Gramm-Gingrich and then continue to bemoan the fact that the patient is getting weaker and weaker.

Let us pass Gramm-Gingrich. Let us create jobs.

UNITED STATES AND ALLIES MUST DO MORE IN HAITI

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

Mr. KENNEDY. Mr. Speaker, yesterday I had the opportunity to meet privately with Haiti's exiled President, Jean-Bertrand Aristide. His message was one of hope and determination. It called upon the United States and other nations to use all possible economic and political measures to restore Haiti's democracy.

The Bush administration, after a tentative first few hours, now appears ready to take up President Aristide's challenge, and so do our allies in this hemisphere. The OAS is posed to impose tough political and economic sanctions against the renegades who occupy Haiti's presidential palace.

But our work and the work of our allies will not be finished until the coup is repelled. The forces of fear in Haiti must not and will not be allowed to reestablish their grip. The day of the dictator is over in Haiti as in the rest of the world.

The OAS has, in recent months, adopted bold new policies to protect elected governments. If the OAS puts these policies into practice, it can bring Haiti's tyrants to their knees.

It will send a message to other countries in this hemisphere, including Uruguay and El Salvador, that the community of nations will not stand idly by while self-annointed saviours try to wipe out freedom with the barrel of a gun.

HELPING SMALL COMPANIES GROW

(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, there are 20 million small businesses in the United States which employ 50 percent of the work force—and contribute 38 percent of the GNP. They are a vital force for job creation in this country—perhaps as high as 80 percent.

I thought of this in the course of my personal investigation of a small company, Kenrich Petrochemicals with the Department of Defense. It became apparent that the DOD and the defense industry, although made up of many mom and pop operations is preoccupied with the big defense companies. DOD constantly is looking out for their welfare and with the stroke of a pen will come to a big company's defense. But what about the small companies with the potential of growth to be the Du Ponts and IBM's of the future? What happens to them? They are ignored or regarded as insignificant.

To me it raises the question: Will the little American companies become big with the help of the Japanese and contribute to Japanese industrial and defense might? Or will they become big because DOD is astute enough to recognize the potential? It makes you wonder where and how the yen is flowing.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1790.

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

There was no objection.

TRIBUTE TO JOHN "BUG" ROACH

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, about 1 minute ago I learned a very close friend was killed in a Navy airplane. Of the Navy pilots that spend over 20 years in the service, 25 percent are killed.

John "Bug" Roach was one of the most memorable characters you ever want to know. He served in Vietnam. He served his country well.

Yesterday, while flying a training flight for the Adversary Squadron, John's engine in his A-4 Skyhawk came apart. He rode it down to about 3,000 feet, attempted to eject, and the parachute streamed and John was killed in the water.

I would like to say for the RECORD that John served his country well and was a friend of America.

REINSTATEMENT OF POWER OF INDIAN TRIBES TO EXERCISE CRIMINAL JURISDICTION OVER INDIANS

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1773) to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. RHODES. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Mexico [Mr. RICHARDSON] to explain the purpose of this legislation.

Mr. RICHARDSON. Mr. Speaker, S. 1773 is a temporary measure to fill a jurisdictional void which currently exists on Indian reservations.

In 1990, the Supreme Court held that tribes do not have criminal misdemeanor jurisdiction over nonmember Indians. Chaos resulted because no court had jurisdiction over nonmember Indians. Congress responded last year by affirming tribal misdemeanor jurisdiction over all Indians for a period of 1 year. That 1 year ended on September 30.

It is my belief that permanent legislation affirming tribal misdemeanor jurisdiction over all Indians is essential. In May the House passed H.R. 972 which provides for permanent tribal jurisdiction. The Senate amended this bill which limited the fix to a 2-year period. Last week we began a conference with the Senate on this bill and are currently at an impasse. The conference is now in recess.

Senator INOUYE introduced S. 1773 on Monday and it passed the Senate that day. This bill called for a 31-day extension of jurisdiction over all Indians for criminal misdemeanors. Today, the House amends this measure and changes the extension only until October 18.

Today we fill the jurisdictional gap and temporarily restore tribal jurisdiction.

I am confident that within this timeframe we will solve this jurisdictional problem permanently.

I urge my colleagues to support this bill as amended.

Mr. RHODES. Mr. Speaker, continuing my reservation of objection, I certainly agree with the gentleman from New Mexico [Mr. RICHARDSON] that the Senate should recede to the House position that this extension should be made permanent.

□ 1130

The amendment the gentleman alluded to gives an extension until October 18, which I would note is only 2

weeks from tomorrow. I certainly would urge our colleagues in the Senate to act expeditiously and promptly so that this void can be permanently filled.

Mr. Speaker, I support this temporary extension.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 8077(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511), is amended by deleting "September 30, 1991" and inserting in lieu thereof "October 31, 1991".

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 2, line 5, strike "October 31, 1991" and insert "October 18, 1991".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. SMITH of Iowa. Mr. Speaker, I call up the 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. Pursuant to the order of the House of Wednesday, October 2, 1991, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of Tuesday, October 1, 1991, at page H 7165.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

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

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Smith, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments in disagreement 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, and that I be permitted to insert a table and extraneous matter following my remarks on the conference report.

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

There was no objection.

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

Mr. Speaker, the conference report recommends appropriations of $21,925,436,000 for the Departments of Commerce, Justice, State, the Judiciary, and 20 agencies for the fiscal year 1992. The total amount provided represents an increase of $2,429,158,000 above the amounts enacted for these departments and agencies for 1991. However, it is below the budget request by $416,628,000, and it is below the Senate bill by $198,052,000. It had to be done this way because the allocations were reduced for this subcommittee. It is also $950,614,000 above the amount considered by the House. The adjustment in the section 602(b) allocation permitted us to provide some increases for some of the agencies, especially in crime and drug control programs, but also for some of the other agencies. The Details are in the report, they are printed, and all Members have access to it. I do not think there is any need to go through and reread the conference report on the floor.

But I recommend the bill wholeheartedly and everything that is included in the conference report. My attached statement provides additional details.

CONFERENCE REPORT SUMMARY

The conference report recommends appropriations of $21,024,524,000 for the Departments of Commerce, Justice, and State, the Judiciary, and 20 agencies for fiscal year 1992. The total amount provided represents an increase of $2,388,673,000 above the amounts enacted for these departments and agencies for fiscal year 1991; $416,628,000 below the budget request; $198,052,000 below the Senate bill; and $950,614,000 above the amounts considered by the House.

LAW ENFORCEMENT

The conference agreement continues and expands the Nation's law-enforcement efforts in the war on drugs and savings and loan prosecutions. The agreement provides a 10-percent increase for Justice Department activities and a 15-percent increase for the Federal courts.

TECHNOLOGY ENHANCEMENTS AND ECONOMIC DEVELOPMENT

The conference agreement includes over $3 billion to continue critical efforts to add jobs and improve the economy through technology enhancements, economic development initiatives, scientific research, fisheries development, weather forecasting services, improvements in international trade and tourism, and small business development.

DEPARTMENT OF COMMERCE

The conference agreement provides $2,994,756,000 for the Commerce Department including $256,882,000 for the Economic Development Assistance programs, $207,160,000 for the International Trade Administration, $39,450,000 for Export Administration, $1,673,915,000 for the National Oceanic and Atmospheric Administration, $88,441,000 for the Patent and Trademark Office, and $246,713,000 for the National Institute of Standards and Technology.

DEPARTMENT OF JUSTICE

For the Department of Justice, the conference agreement provides $9,323,633,000 in new budget authority including $1,926,092,000 for the Federal Bureau of Investigation, $716,653,000 for the Drug Enforcement Administration, $941,241,000 for the Immigration and Naturalization Service, $2,061,231,000 for the Federal Prison System, and $695,611,000 for the Office of Justice programs.

DEPARTMENT OF STATE

The conference agreement provides $3,754,148,000 which includes $2,733,324,000 for administration of foreign affairs, $955,113,000 for international organizations and conferences, $40,177,000 for international commissions, $4,500,000 for the United States bilateral science and technology agreements, $16 million for payment to the Asia Foundation, and $4,784,000 for Soviet-East European research and training.

THE JUDICIARY

The conference agreement includes $2,341,540,000 for the Federal Justice System, including salaries of judges, judicial officers and employees, and operating expenses of the Federal courts.

RELATED AGENCIES

The conference agreement provides $3,511,359,000 for related agencies and commissions, including $44,527,000 for the Arms Control and Disarmament Agency, $212,491,000 for the Board for International Broadcasting, $210,271,000 for the Equal Employment Opportunity Commission, $126,309,000 for the Federal Communications Commission, $350 million for the Legal Services Corporation, $157,485,000 for the Securities and

Exchange Commission, $837,325,000 for the Small Business Administration, and $1,087,094,000 for the U.S. Information Agency.

Mr. Speaker, I received a letter today from the chairman of the Energy and Commerce Committee. The letter was not received in time to include the requested language in the statement of the managers. I am including the letter in its entirety.

I am submitting at this point, a table which indicates, for the departments and agencies in this bill, the fiscal year 1991 enacted levels, the budget request, the House and Senate levels, and the amounts included in this conference report:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 1, 1991.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, Washington, DC.

Hon. NEAL SMITH,
Chairman, Subcommittee on Commerce, Justice, State, and Judiciary, Washington, DC.

DEAR MESSRS. CHAIRMEN: We are writing concerning the fiscal year 1992 appropriations for the Securities and Exchange Commission, as contained in H.R. 2608, the Appropriations for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies. We are writing in particular with respect to the Senate-adopted legislative language which would raise Commission fees to offset the Commission's appropriations increase request. As you know, on August 12, 1991, this Committee wrote to the Speaker about repeated Senate violations of Rule XXI, cl. 2(b) of the Rules of the U.S. House of Representatives with respect to legislating in appropriations bills (enclosure).

Under authority granted by the Securities Exchange Act of 1934, the Securities and Exchange Commission historically has collected fees for a variety of services that it has performed. Yet traditionally that money has gone to the general fund of the Treasury, with no link to the operating needs of the Commission. During the 1980's, Commission fee collection exploded with the growth of the financial markets, but the Commission's budgets were kept painfully tight. The Commission collected $232 million in 1990 fee revenue, 139 percent of its funding level.

For the last several years, the Committee on Energy and Commerce, in consultation with the Committees on Appropriations, Budget, and Ways and Means, has sought to adopt a long-term full-cost recovery plan for the Commission. Such a plan passed the entire House of Representatives as part of the Omnibus Budget Reconciliation Act of 1989, and we are hopeful of bringing forth a new proposal shortly that satisfies the requirements of the Policies of the Chair on Jurisdictional Concepts Related to Clause 5(b) of Rule XXI (Congressional Record, January 15, 1991).

The Senate version of H.R. 2608 includes, for the third consecutive year, legislative language which would raise the fees on registration of initial public offerings, this year from 1/50 of one percent of the offering to 1/32 of one percent. Such a change, if accepted by the House, would permit the adjustment of the Commission's budget from a baseline of $157.485 million to the Commission-requested level of $225.792 million. While this Committee remains strongly opposed to the practice of legislating in appropriations bills, we are well aware of the strains in the Commission budget and the need for greater, not lesser, regulatory efforts in our financial markets. In fact, in the last several years, the Energy and Commerce Committee has broadened the Commission's statutory mandate through the passage of the Insider Trading and Securities Fraud Enforcement Act of 1988, the Market Reform Act of 1990, the Securities Enforcement Remedies and Penny Stock Reform Act of 1990 and other legislation. Based on the immediate and obvious Commission budget needs, without prejudice, we will not raise an objection to House acceptance of this Senate language in this particular instance.

However, we would request the inclusion of report language which recognizes the ongoing efforts of the authorizing Committees to provide complete long-term self-funding for the Commission. Such language could be stated as follows:

"The managers note that the language raising the Securities and Exchange Commission fees for initial public offering registration is solely a temporary measure to avoid drastic consequences for the Commission budget for FY '92. Such a solution would be replaced by any permanent self-funding plan adopted by the appropriate authorizing committees and signed into law."

Thank you for your consideration of this matter. We look forward to working with you in the future.

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.

EDWARD J. MARKEY,
Chairman, Subcommittee on Telecommunications and Finance.

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE AND RELATED AGENCIES						
DEPARTMENT OF JUSTICE						
Office of Justice Programs						
Justice Assistance	660,179,000	579,335,000	664,761,000	668,967,000	668,467,000	+8,288,000
Public safety officers benefits program	26,075,000	27,144,000	27,144,000	27,144,000	27,144,000	+1,069,000
Total, Office of Justice Programs	686,254,000	606,479,000	691,905,000	696,111,000	695,611,000	+9,357,000
General Administration						
Salaries and expenses	100,968,000	131,621,000	109,925,000	114,142,000	110,100,000	+9,132,000
Office of Inspector General	25,140,000	36,019,000	27,893,000	30,719,000	28,820,000	+3,680,000
Drug law enforcement training	.....	.....	.....	.....	3,500,000	+3,500,000
Total, general administration	126,108,000	167,640,000	137,818,000	144,861,000	142,420,000	+16,312,000
United States Parole Commission						
Salaries and expenses	10,051,000	9,786,000	9,855,000	9,786,000	9,855,000	-196,000
Legal Activities						
Salaries and expenses, general legal activities	345,603,000	407,742,000	379,804,000	388,821,000	384,249,000	+38,646,000
(By transfer)	(3,180,000)	.....	.....	.....	.....	(-3,180,000)
Vaccine injury compensation trust fund	2,000,000	2,500,000	2,000,000	2,000,000	2,000,000	.....
Independent counsel (permanent, indefinite)	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	.....
Civil liberties public education fund (permanent, definite)	500,000,000	500,000,000	500,000,000	500,000,000	500,000,000	.....
Salaries and expenses, Antitrust Division	33,730,000	48,894,000	43,045,000	45,494,000	44,994,000	+11,264,000
Salaries and expenses, United States Attorneys	673,095,000	779,256,000	720,737,000	728,259,000	720,737,000	+47,642,000
(By transfer)	(1,903,000)	.....	.....	.....	.....	(-1,903,000)
United States Trustee System Fund	64,300,000	82,182,000	67,520,000	69,571,000	57,221,000	-7,079,000
Salaries and expenses, Foreign Claims Settlement Commission	640,000	843,000	843,000	843,000	843,000	+203,000
Salaries and expenses, United States Marshals Service	288,529,000	346,674,000	313,847,000	313,847,000	313,847,000	+25,318,000
(By transfer)	(1,025,000)	.....	.....	.....	.....	(-1,025,000)
Support of United States prisoners	193,034,000	228,125,000	218,125,000	224,125,000	219,125,000	+26,091,000
Fees and expenses of witnesses	79,831,000	92,797,000	92,797,000	92,797,000	92,797,000	+12,966,000
Salaries and expenses, Community Relations Service	27,172,000	29,097,000	27,343,000	27,343,000	27,343,000	+171,000
Assets forfeiture fund	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	.....
Total, legal activities	2,311,934,000	2,622,110,000	2,470,061,000	2,497,100,000	2,467,156,000	+155,222,000
Interagency Law Enforcement						
Organized crime drug enforcement	328,000,000	401,974,000	363,374,000	380,344,000	363,374,000	+35,374,000
Federal Bureau of Investigation						
Salaries and expenses	1,692,595,000	2,021,217,000	1,866,832,000	1,924,807,000	1,878,092,000	+185,497,000
Identification division automation	.....	.....	.....	48,000,000	48,000,000	+48,000,000
Total, Federal Bureau of Investigation	1,692,595,000	2,021,217,000	1,866,832,000	1,972,807,000	1,926,092,000	+233,497,000
Drug Enforcement Administration						
Salaries and expenses	694,340,000	747,957,000	706,286,000	740,667,000	716,653,000	+22,313,000
Immigration and Naturalization Service						
Salaries and expenses	887,103,000	1,008,026,000	947,041,000	950,817,000	938,241,000	+51,138,000
Immigration fee expansion	100,350,000	.....	.....	.....	.....	-100,350,000
Immigration offsetting receipt	-89,800,000	.....	.....	.....	.....	+89,800,000
Immigration legalization	.....	.....	3,000,000	3,000,000	3,000,000	+3,000,000
Total, Immigration and Naturalization Service	897,653,000	1,008,026,000	950,041,000	953,817,000	941,241,000	+43,588,000
Federal Prison System						
Salaries and expenses	1,357,843,000	1,737,835,000	1,637,299,000	1,612,635,000	1,598,920,000	+241,077,000
National Institute of Corrections	10,007,000	10,221,000	10,221,000	10,221,000	10,221,000	+214,000
Buildings and facilities	374,358,000	411,593,000	415,090,000	452,090,000	452,090,000	+77,732,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)
Total, Federal prison system	1,742,208,000	2,159,649,000	2,062,610,000	2,074,946,000	2,061,231,000	+319,023,000
Total, Department of Justice:						
New budget (obligational) authority	8,489,143,000	9,744,838,000	9,258,782,000	9,470,439,000	9,323,633,000	+834,490,000
(Limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
RELATED AGENCIES						
Commission on Civil Rights						
Salaries and expenses	7,075,000	10,780,000	7,159,000	7,617,000	7,159,000	+84,000
Equal Employment Opportunity Commission						
Salaries and expenses	201,930,000	210,271,000	209,875,000	210,271,000	210,271,000	+8,341,000
Federal Communications Commission						
Salaries and expenses	116,794,000	67,929,000	67,929,000	126,309,000	126,309,000	+9,515,000
Federal Maritime Commission						
Salaries and expenses	15,894,000	17,974,000	17,317,000	17,974,000	17,600,000	+1,706,000
Federal Trade Commission						
Salaries and expenses	56,095,000	72,296,000	68,892,000	70,000,000	69,200,000	+13,105,000
Securities and Exchange Commission						
Salaries and expenses	159,085,000	225,792,000	157,485,000	157,485,000	157,485,000	-1,600,000
State Justice Institute						
Salaries and expenses	13,000,000	15,000,000	13,347,000	13,588,000	13,550,000	+550,000
Total, related agencies	569,873,000	620,042,000	542,004,000	603,244,000	601,574,000	+31,701,000
Total, title I, Department of Justice and related agencies:						
New budget (obligational) authority	9,059,016,000	10,364,880,000	9,800,786,000	10,073,683,000	9,925,207,000	+866,191,000
(Limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)
TITLE II - DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Scientific and technical research and services	166,228,000	201,840,000	173,942,000	188,950,000	183,000,000	+16,772,000
Industrial technology services	49,100,000	46,200,000	63,713,000	63,713,000	63,713,000	+14,613,000
Total, NIS&T	215,328,000	248,040,000	237,655,000	252,663,000	246,713,000	+31,385,000
National Oceanic and Atmospheric Administration						
Shipbuilding and conversion, fleet modernization	.....	.....	.....	100,000,000	33,200,000	+33,200,000
Construction	.....	.....	.....	.....	34,917,000	+34,917,000
Operations, research, and facilities	1,356,156,000	1,501,476,000	1,381,550,000	1,550,769,000	1,453,928,000	+97,772,000
Aviation weather services program (Airport and Airways Trust Fund)	34,521,000	35,389,000	34,858,000	35,389,000	35,389,000	+868,000
(By transfer from Promote and Develop Fund)	(60,900,000)	(70,800,000)	(69,738,000)	(56,600,000)	(63,100,000)	(+2,200,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	.....	(12,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(+12,000,000)
(By transfer from Coastal Energy Impact Fund)	(7,000,000)	.....	.....	.....	.....	(-7,000,000)
Promote and develop fishery products	500,000	.....	.....	500,000	500,000	.....
Total, Operations, research, and facilities	1,391,177,000	1,536,865,000	1,416,408,000	1,586,658,000	1,489,817,000	+98,640,000
GOES Contingency Fund	.....	.....	.....	110,000,000	110,000,000	+110,000,000
Damage assessment and restoration revolving fund	5,000,000	.....	.....	.....	.....	-5,000,000
Fisheries promotional fund (availability of funds)	(2,000,000)	.....	(250,000)	(250,000)	(250,000)	(-1,750,000)
Fishing vessel and gear damage fund	1,202,000	1,300,000	1,281,000	1,281,000	1,281,000	+79,000
Fishermen's contingency fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Foreign fishing observer fund	1,997,000	2,026,000	1,996,000	1,000,000	1,000,000	-997,000
Fishing vessel obligations guarantee	.....	.....	1,400,000	.....	1,000,000	+1,000,000
(Limitation on guaranteed loans)	.....	.....	(14,000,000)	.....	(10,000,000)	(+10,000,000)
Administrative expenses	.....	.....	2,000,000	.....	1,700,000	+1,700,000
Total, Fishing vessel obligations guarantee	.....	.....	3,400,000	.....	2,700,000	+2,700,000
Total, National Oceanic and Atmospheric Administration	1,400,376,000	1,541,191,000	1,424,085,000	1,799,939,000	1,673,915,000	+273,539,000
General Administration						
Salaries and expenses	29,595,000	33,207,000	30,611,000	31,750,000	31,280,000	+1,685,000
Office of Inspector General	14,400,000	17,275,000	14,913,000	15,333,000	15,140,000	+740,000
Total, general administration	43,995,000	50,482,000	45,524,000	47,083,000	46,420,000	+2,425,000
Bureau of the Census						
Salaries and expenses	110,250,000	132,484,000	123,009,000	127,960,000	125,290,000	+15,040,000
(By transfer)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)
Periodic censuses and programs	272,700,000	175,011,000	172,357,000	145,000,000	165,000,000	-107,700,000
Total, Bureau of the Census	382,950,000	307,495,000	295,366,000	272,960,000	290,290,000	-92,660,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Economic and Statistical Analysis						
Salaries and expenses	37,200,000	43,494,000	38,921,000	41,994,000	40,380,000	+3,180,000
International Trade Administration						
Operations and administration	187,120,000	196,269,000	194,875,000	203,814,000	207,160,000	+20,040,000
Export Administration						
Operations and administration	44,499,000	41,594,000	38,777,000	41,594,000	39,450,000	-5,049,000
Minority Business Development Agency						
Minority business development	40,549,000	43,078,000	40,880,000	41,578,000	40,500,000	-49,000
United States Travel and Tourism Administration						
Salaries and expenses	20,696,000	17,686,000	15,249,000	18,546,000	17,480,000	-3,216,000
Patent and Trademark Office						
Salaries and expenses	91,000,000	94,300,000	91,887,000	88,441,000	88,441,000	-2,559,000
Technology Administration						
Salaries and expenses	4,200,000	4,936,000	4,318,000	4,937,000	4,600,000	+400,000
National Telecommunications and Information Administration						
Salaries and expenses	15,252,000	18,719,000	15,861,000	18,122,000	17,600,000	+2,348,000
Public telecommunications facilities, planning and construction	21,833,000	.....	22,428,000	32,428,000	22,925,000	+1,092,000
Endowment for Children's Educational Television	.....	.....	.....	4,000,000	2,000,000	+2,000,000
Total, National Telecommunications and Information Administration	37,085,000	18,719,000	38,289,000	54,550,000	42,525,000	+5,440,000
Economic Development Administration						
Economic development assistance programs	209,000,000	.....	.....	226,836,000	226,836,000	+17,836,000
Economic development guaranteed loans	.....	.....	.....	565,000	800,000	+800,000
(Limitation on guaranteed loans)	(150,000,000)	.....	.....	.....	.....	(-150,000,000)
Administrative expenses	.....	.....	.....	1,614,000	1,614,000	+1,614,000
Total, Economic development guaranteed loans	.....	.....	.....	2,179,000	2,414,000	+2,414,000
Economic Development Revolving Fund (rescission)	-59,000,000	.....	.....	-42,500,000	.....	+59,000,000
Salaries and expenses	27,018,000	20,000,000	28,218,000	27,632,000	27,632,000	+614,000
Total, Economic Development Administration	177,018,000	20,000,000	28,218,000	214,147,000	256,882,000	+79,864,000
Total, title II, Department of Commerce:						
New budget (obligational) authority	2,682,016,000	2,627,284,000	2,494,044,000	3,082,246,000	2,994,756,000	+312,740,000
(By transfer)	(68,900,000)	(82,800,000)	(81,738,000)	(68,600,000)	(75,100,000)	(+6,200,000)
(Limitation on guaranteed loans)	(150,000,000)	.....	(14,000,000)	.....	(10,000,000)	(-140,000,000)
(Availability of funds)	(2,000,000)	.....	(250,000)	(250,000)	(250,000)	(-1,750,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,430,000	1,540,000	1,540,000	1,540,000	1,540,000	+110,000
Other salaries and expenses	17,653,000	19,247,000	19,247,000	19,247,000	19,247,000	+1,594,000
Total, salaries and expenses	19,083,000	20,787,000	20,787,000	20,787,000	20,787,000	+1,704,000
Care of the building and grounds	3,453,000	4,306,000	3,801,000	4,306,000	3,801,000	+348,000
Total, Supreme Court of the United States	22,536,000	25,093,000	24,588,000	25,093,000	24,588,000	+2,052,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,633,000	1,655,000	1,655,000	1,655,000	1,655,000	+22,000
Other salaries and expenses	8,129,000	9,399,000	9,120,000	9,399,000	9,120,000	+991,000
Total, salaries and expenses	9,762,000	11,054,000	10,775,000	11,054,000	10,775,000	+1,013,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,144,000	1,293,000	1,293,000	1,293,000	1,293,000	+149,000
Other salaries and expenses	7,613,000	9,202,000	8,139,000	9,202,000	8,139,000	+526,000
(By transfer)	(81,000)	.....	.....	.....	.....	(-81,000)
Total, salaries and expenses	8,757,000	10,495,000	9,432,000	10,495,000	9,432,000	+675,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges	131,868,000	153,000,000	153,000,000	153,000,000	153,000,000	+21,132,000
Other salaries and expenses	1,525,986,000	1,904,195,000	1,794,471,000	1,713,762,000	1,722,000,000	+196,014,000
(By transfer)	(4,919,000)	.....	.....	.....	.....	(-4,919,000)
Subtotal	1,657,854,000	2,057,195,000	1,947,471,000	1,866,762,000	1,875,000,000	+217,146,000
Vaccine Injury Compensation Trust Fund	1,500,000	2,000,000	1,588,000	2,100,000	2,100,000	+600,000
Total, salaries and expenses	1,659,354,000	2,059,195,000	1,949,059,000	1,868,862,000	1,877,100,000	+217,746,000
Defender services	132,761,000	193,004,000	185,372,000	177,386,000	190,621,000	+57,860,000
Fees of jurors and commissioners	63,597,000	70,000,000	70,000,000	70,000,000	70,000,000	+6,403,000
Court security	71,791,000	85,060,000	82,830,000	83,102,000	81,048,000	+9,257,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	1,927,503,000	2,407,259,000	2,287,261,000	2,199,350,000	2,218,769,000	+291,266,000
Administrative Office of the United States Courts						
Salaries and expenses	39,850,000	51,600,000	44,681,000	44,743,000	44,681,000	+4,831,000
Federal Judicial Center						
Salaries and expenses	15,551,000	27,940,000	18,795,000	21,626,000	17,795,000	+2,244,000
Judicial Retirement Funds						
Payment to judicial officers' retirement and judicial survivors' annuity funds	5,000,000	6,500,000	6,500,000	6,500,000	6,500,000	+1,500,000
United States Sentencing Commission						
Salaries and expenses	8,422,000	9,000,000	8,865,000	9,000,000	9,000,000	+578,000
Total, title III, the Judiciary	2,037,381,000	2,548,941,000	2,410,897,000	2,327,861,000	2,341,540,000	+304,159,000
TITLE IV - RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(261,200,000)	(272,210,000)	(272,210,000)	(272,210,000)	(272,210,000)	(+11,010,000)
Operations and training	69,000,000	73,000,000	70,920,000	75,000,000	73,200,000	+4,200,000
(By transfer)	(1,100,000)	.....	.....	.....	.....	(-1,100,000)
Ready reserve force	245,000,000	225,000,000	225,000,000	233,961,000	233,961,000	-11,039,000
Total, Maritime Administration	314,000,000	298,000,000	295,920,000	308,961,000	307,161,000	-6,839,000
Advisory Commission on Conference in Ocean Shipping						
Salaries and expenses	500,000	.....	.....	.....	.....	-500,000
Christopher Columbus Quincentenary Jubilee Commission						
Salaries and expenses	214,000	220,000	220,000	220,000	220,000	+6,000
Commission on Agricultural Workers						
Salaries and expenses	1,457,000	1,448,000	1,426,000	1,448,000	1,426,000	-31,000
Commission on the Bicentennial of the United States Constitution						
Salaries and expenses	14,973,000	1,911,000	1,882,000	1,911,000	1,882,000	-13,091,000
Commission on Legal Immigration Reform						
Salaries and expenses	.....	.....	.....	500,000	.....	.....
Commission on Security and Cooperation in Europe						
Salaries and expenses	991,000	1,075,000	1,059,000	1,075,000	1,075,000	+84,000
Competitiveness Policy Council						
Salaries and expenses	750,000	.....	750,000	750,000	750,000	.....
Marine Mammal Commission						
Salaries and expenses	1,153,000	1,153,000	1,153,000	1,300,000	1,250,000	+97,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	300,000	300,000	300,000	300,000	.....
Office of the United States Trade Representative						
Salaries and expenses	20,000,000	20,400,000	21,077,000	19,400,000	20,400,000	+400,000
Legal Services Corporation						
Payment to the Legal Services Corporation	328,186,000	355,000,000	.....	350,000,000	350,000,000	+21,814,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Small Business Administration						
Salaries and expenses	274,753,000	179,448,000	221,079,000	209,731,000	235,811,000	-38,942,000
(By transfer)	(1,500,000)					(-1,500,000)
(By transfer, indefinite) (sec. 12)	(107,160,000)					(-107,160,000)
Office of Inspector General	9,000,000	13,464,000	9,757,000	11,000,000	10,000,000	+1,000,000
Business Loans Program Account	162,625,000	55,620,000	270,349,000	270,349,000	270,349,000	+107,724,000
Micro-Loan program				1,800,000	2,600,000	+2,600,000
(Limitation on direct loans)	(71,000,000)	(5,000,000)	(69,935,000)	(84,935,000)	(84,935,000)	(+13,935,000)
(Limitation on guaranteed loans)		(4,828,291,000)	(4,819,000,000)	(4,819,000,000)	(4,819,000,000)	(+4,819,000,000)
Administrative expenses		106,000,000	104,410,000	104,410,000	104,410,000	+104,410,000
Total, Business loans program account	162,625,000	161,620,000	374,759,000	376,559,000	377,359,000	+214,734,000
Disaster Loans Program Account		121,555,000	114,913,000	121,555,000	121,555,000	+121,555,000
(Limitation on direct loans)		(291,760,000)	(344,750,000)	(365,000,000)	(365,000,000)	(+365,000,000)
Administrative expenses		78,000,000	76,830,000	78,000,000	78,000,000	+78,000,000
Total, Disaster loans program account		199,555,000	191,743,000	199,555,000	199,555,000	+199,555,000
Surety bond guarantees revolving fund	10,200,000	14,600,000	14,381,000	14,600,000	14,600,000	+4,400,000
Pollution control equipment contract guarantee revolving fund	13,000,000		8,400,000			-13,000,000
Total, Small Business Administration	469,578,000	568,687,000	820,119,000	811,445,000	837,325,000	+367,747,000
Total, title IV, Related agencies:						
New budget (obligational) authority	1,152,102,000	1,248,194,000	1,143,906,000	1,497,310,000	1,521,789,000	+369,687,000
(By transfer)	(109,760,000)					(-109,760,000)
(Liquidation of contract authority)	(261,200,000)	(272,210,000)	(272,210,000)	(272,210,000)	(272,210,000)	(+11,010,000)
TITLE V - DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Salaries and expenses	1,899,717,000	2,049,572,000	2,021,835,000	2,007,246,000	2,015,335,000	+115,618,000
Registration fees	500,000	700,000	523,000	700,000	700,000	+200,000
International Center fees	1,013,000					-1,013,000
Blair House fees	15,000					-15,000
Total, salaries and expenses	1,901,245,000	2,050,272,000	2,022,358,000	2,007,946,000	2,016,035,000	+114,790,000
Office of Inspector General	21,840,000	23,928,000	23,037,000	23,037,000	23,037,000	+1,197,000
Representation allowances	4,600,000	4,802,000	4,802,000	4,802,000	4,802,000	+202,000
Protection of foreign missions and officials	9,100,000	9,464,000	9,464,000	11,464,000	10,464,000	+1,364,000
Moscow embassy reconstruction				130,000,000		
Acquisition and maintenance of buildings abroad	227,656,000	570,000,000	552,594,000	430,000,000	545,000,000	+317,344,000
(Transfer out)				(-29,000,000)		
Emergencies in the diplomatic and consular service	13,438,000	8,000,000	7,000,000	8,000,000	7,000,000	-6,438,000
Repatriation loans	750,000					-750,000
Repatriation loans program account		74,000	74,000	74,000	74,000	+74,000
(Limitation on direct loans)		(223,000)	(223,000)	(223,000)	(223,000)	(+223,000)
Administrative expenses			145,000	145,000	145,000	+145,000
Total, Repatriation loans program account		74,000	219,000	219,000	219,000	+219,000
Payment to the American Institute in Taiwan	11,752,000	13,784,000	13,334,000	13,784,000	13,784,000	+2,032,000
Payment to the Foreign Service Retirement and Disability Fund	108,576,000	112,983,000	112,983,000	112,983,000	112,983,000	+4,407,000
Total, Administration of Foreign Affairs	2,298,957,000	2,793,307,000	2,745,791,000	2,742,235,000	2,733,324,000	+434,367,000
International Organizations and Conferences						
Contributions to international organizations	787,605,000	749,665,000	749,665,000	749,665,000	749,665,000	-37,940,000
Arrearage payments, FY 1992		92,719,000	117,109,000	92,719,000	92,719,000	+92,719,000
Arrearage payments, advance appropriations		278,157,000				
Total	787,605,000	1,120,541,000	866,774,000	842,384,000	842,384,000	+54,779,000
Contributions for international peacekeeping activities	115,000,000	68,869,000	68,869,000	68,869,000	68,869,000	-46,131,000
Arrearage payments, FY 1992		38,360,000	39,987,000	38,360,000	38,360,000	+38,360,000
Arrearage payments, advance appropriations		94,063,000				
Total	115,000,000	201,292,000	108,856,000	107,229,000	107,229,000	-7,771,000
International conferences and contingencies	7,300,000	5,500,000	5,500,000	5,500,000	5,500,000	-1,800,000
Total, International Organizations and Conferences	909,905,000	1,327,333,000	981,130,000	955,113,000	955,113,000	+45,208,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	10,500,000	10,900,000	11,400,000	10,900,000	11,400,000	+900,000
Construction	10,000,000	10,525,000	10,277,000	10,525,000	10,277,000	+277,000

H.R. 2608 - Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
American sections, international commissions	4,400,000	4,500,000	4,500,000	4,500,000	4,500,000	+100,000
International fisheries commissions	12,247,000	12,147,000	12,647,000	14,758,000	14,000,000	+1,753,000
Total, International Commissions	37,147,000	38,072,000	38,824,000	40,683,000	40,177,000	+3,030,000
Other						
United States Bilateral Science and Technology Agreements	4,500,000	5,000,000	4,500,000	4,500,000	4,500,000	.....
Payment to the Asia Foundation	13,978,000	15,367,000	16,000,000	16,000,000	16,000,000	+2,022,000
Soviet-East European research and training	4,600,000	4,784,000	4,784,000	4,784,000	4,784,000	+184,000
Fishermen's guaranty fund	900,000	.....	.....	.....	.....	-900,000
Fishermen's protective fund	500,000	250,000	250,000	250,000	250,000	-250,000
Total, Other	24,478,000	25,401,000	25,534,000	25,534,000	25,534,000	+1,056,000
General Provisions						
British American Parliamentary Group (sec. 304b)	50,000	.....	.....	.....	.....	-50,000
Mexican American Parliamentary Group (sec. 304c)	50,000	.....	.....	.....	.....	-50,000
Total, General provisions	100,000	.....	.....	.....	.....	-100,000
Total, Department of State:						
New budget (obligational) authority	3,270,587,000	4,184,113,000	3,791,279,000	3,763,565,000	3,754,148,000	+483,561,000
Fiscal year 1992	(3,270,587,000)	(3,811,893,000)	(3,791,279,000)	(3,763,565,000)	(3,754,148,000)	(+483,561,000)
Fiscal year 1993	.....	(372,220,000)	.....	.....	.....	.....
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	37,040,000	47,446,000	43,527,000	42,423,000	44,527,000	+7,487,000
(By transfer)	.....	.....	.....	(2,000,000)	.....	.....
Board for International Broadcasting						
Grants and expenses	205,750,000	217,960,000	212,491,000	212,491,000	212,491,000	+6,741,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	200,000	50,000	200,000	50,000	200,000	.....
International Trade Commission						
Salaries and expenses	40,299,000	42,934,000	42,934,000	41,934,000	42,434,000	+2,135,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	.....
(Foreign currency appropriation)	(1,544,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(-124,000)
United States Information Agency						
Salaries and expenses	657,157,000	692,275,000	681,051,000	692,275,000	691,725,000	+34,568,000
(By transfer)	(1,400,000)	.....	.....	(4,000,000)	.....	(-1,400,000)
Office of Inspector General	4,023,000	4,206,000	4,206,000	4,206,000	4,206,000	+183,000
Educational and cultural exchange programs	163,151,000	172,500,000	178,000,000	186,163,000	194,232,000	+31,081,000
(By transfer)	.....	.....	.....	(13,000,000)	.....	.....
Payment to the Eisenhower Exchange Fellowship Program Trust Fund	.....	.....	5,000,000	5,000,000	5,000,000	+5,000,000
Radio construction	107,237,000	98,043,000	98,043,000	98,043,000	98,043,000	-9,194,000
(By transfer)	.....	.....	.....	(10,000,000)	.....	.....
Broadcasting to Cuba	31,069,000	38,988,000	33,288,000	38,988,000	36,888,000	+5,819,000
East-West Center	23,000,000	23,000,000	23,920,000	26,000,000	24,500,000	+1,500,000
North / South Center	.....	.....	10,000,000	.....	5,000,000	+5,000,000
National Endowment for Democracy	25,000,000	30,000,000	.....	30,000,000	27,500,000	+2,500,000
Total, United States Information Agency	1,010,637,000	1,059,012,000	1,033,508,000	1,080,675,000	1,087,094,000	+76,457,000
Total, related agencies	1,295,176,000	1,368,652,000	1,333,910,000	1,378,823,000	1,387,996,000	+92,820,000
Total, title V, Department of State and related agencies:						
New budget (obligational) authority	4,565,763,000	5,552,765,000	5,125,189,000	5,142,388,000	5,142,144,000	+576,381,000
Fiscal year 1992	(4,565,763,000)	(5,180,545,000)	(5,125,189,000)	(5,142,388,000)	(5,142,144,000)	(+576,381,000)
Fiscal year 1993	.....	(372,220,000)	.....	.....	.....	.....
(By transfer)	(1,400,000)	.....	.....	(29,000,000)	.....	(-1,400,000)
Grand total:						
New budget (obligational) authority	19,496,278,000	22,342,064,000	20,974,822,000	22,123,488,000	21,925,436,000	+2,429,158,000
Fiscal year 1992	(19,496,278,000)	(21,969,844,000)	(20,974,822,000)	(22,123,488,000)	(21,925,436,000)	(+2,429,158,000)
Fiscal year 1993	.....	(372,220,000)	.....	.....	.....	.....
(By transfer)	(191,168,000)	(82,800,000)	(81,738,000)	(97,600,000)	(75,100,000)	(-116,068,000)
(Limitation on administrative expenses)	(3,167,000)	(3,297,000)	(3,248,000)	(3,297,000)	(3,297,000)	(+130,000)
(Limitation on direct loans)	(71,000,000)	(296,983,000)	(414,908,000)	(450,158,000)	(450,158,000)	(+379,158,000)
(Limitation on guaranteed loans)	(150,000,000)	(4,828,291,000)	(4,833,000,000)	(4,819,000,000)	(4,829,000,000)	(+4,679,000,000)
(Liquidation of contract authority)	(261,200,000)	(272,210,000)	(272,210,000)	(272,210,000)	(272,210,000)	(+11,010,000)
(Foreign currency appropriation)	(1,544,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(-124,000)
(Availability of funds)	(2,000,000)	.....	(250,000)	(250,000)	(250,000)	(-1,750,000)

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

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

Mr. Speaker, I rise to join the distinguished chairman of our subcommittee, the gentleman from Iowa, in support of this conference agreement.

H.R. 2608 appropriates a total of $21.9 billion for the fiscal year which began Tuesday, supporting as diverse a set of Government programs and services as you will find in any of the 13 appropriations bills.

While Commerce, Justice, State, and the judiciary comprise most of this bill, it is far from limited to those departments. The Federal Communications Commission, the Federal Trade Commission, the U.S. Trade Representative, the Small Business Administration, the SEC, the U.S. Information Agency, and several smaller agencies, all come under our purview.

In every case, the bill preserves the essential functions these agencies carry out, while providing real increases where we could.

This achievement, normally difficult in any year, was made more difficult this year by: First, three separate and fenced spending categories—domestic, international, and defense; and second, a wide gulf between the spending allocations of our subcommittee, and those of our Senate counterpart, which were significantly higher.

Having struggled to find the middle ground, we bring back to the House a bill which, frankly, is an improvement upon the House members with respect to almost every agency and program.

Our domestic spending priority continues to be the war on drugs and crime. To this end, you will find sizable increases over last year for the major players in the Department of Justice—FBI, Drug Enforcement Administration, the INS, the U.S. attorneys, the Marshals Service, and the Federal prison system.

This administration and this Congress have devoted enormous resources to their missions for many years now.

But we can also show impressive results.

Last year, for example, the FBI's efforts to target major drug trafficking networks netted over 2,800 arrests and 3,400 felony convictions. The Marshals Service conducted a 10-week drug fugitive manhunt yielding 3,700 arrests and more than $5 million in asset seizures.

Using the tools and funding we've provided through FIRREA and this bill, 856 defendants have been charged in major savings and loan cases.

And the Justice Department's S&L conviction rate, since this massive effort began, stands at 94 percent.

The conference agreement will allow these efforts to continue and expand during the next year.

To help promote U.S. exports, the bill includes the full increase sought to expand the staff of the United States and Foreign Commercial Service, particularly in the key overseas markets—Japan, the Pacific rim, Latin America, and of course Eastern Europe and the Soviet Union.

These people, posted at Embassies around the world, are the eyes and ears for our small and mid-sized businesses, helping them spot leads, or thread their way through foreign bureaucracies, many of which are not of the free market variety. They offer important tools, and we need them more than ever.

We worked hard, Mr. Speaker, to shore up funding for the continued modernization of the weather service—a major program which, despite its fits and starts, is important for the long-term safety of our communities.

In addition, the conferees wisely agreed to a version of a Senate provision, that provides special contingency funding for the GOES weather satellite program.

These satellites are critical to providing fast-breaking storm coverage, yet we only have one in the sky now, and the process of developing and launching more advanced replacements has been severely delayed.

This contingency fund will allow the Commerce Department to acquire a gap filler satellite should the current one fail.

Finally, Mr. Speaker, the conference agreement places a needed emphasis on reaching out to the ever-evolving new world order. The State Department literally has its hands full with the changes that are revolutionizing our half-century old roles in Eastern Europe, the Baltics, and the Soviet Union. We are reaping the successes of our military strength and public diplomacy, but our responsibilities seem only on the upswing.

The conferees have responded generously in their recommendations for the State Department.

Mr. Speaker, I might point out that there is a very controversial provision in the State Department part of the bill which provides for $100 million to build a new Embassy in Moscow separate from the building on which construction has been halted. It is a controversial provision, and I am sure we are going to hear some debate about that issue during consideration of this bill today.

More importantly, the amounts included for the U.S. Information Agency will ensure that we capitalize on our successes, through exchanges, cultural events, Voice of America broadcasts, and other important programs.

Mr. Speaker, I have merely touched on the good points in this bill—but there are many others.

All the members of our subcommittee deserve thanks for their contributions during the year.

And again I was pleased to work with my chairman, the gentleman from Iowa, who really guided us through some difficult turf, especially when we marked up on this side.

Fortunately, for our members and the agencies, we had a little more latitude in conference. And as a result, H.R. 2608 is a finer product. I urge support for the conference report.

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

Mr. Speaker, I want to take some of my time at this point to thank the gentleman from Kentucky and all the minority members as well as all the majority members for the work that they did on this bill and to thank the staff also.

This has been a very, very difficult bill. We had caps imposed on us which, in my judgment, in some instances, were not realistic, but that is the way it is. It was very difficult to work through all the matters in this bill, but we have come out finally with a bill that is fairly well balanced.

I do urge its support.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I rise in support of the conference report on H.R. 2608, the Commerce, Justice, State, judiciary appropriations bill for fiscal year 1992. I would like to commend the chairman of the subcommittee, the gentleman from Iowa, [Mr. SMITH], and the ranking Republican member, Mr. ROGERS of Kentucky, for their hard work on behalf of two important Department of Commerce programs, the National Oceanic and Atmospheric Administration (NOAA) and the Technology Administration, both of which fall within the jurisdiction of the committee on Science, Space and Technology.

As the gentleman may recall, we had a colloquy during the House consideration of this bill, in which I asked the gentleman to try to increase the level of funding for these two programs if he were given flexibility under the Senate's higher allocation. He has done exactly that, and we appreciate his efforts in providing a fair distribution of scarce resources.

The conference report provides critically needed funds for National Weather Service operations, the geostationary weather satellite program [GOES-NEXT], the NEXRAD weather radar program, and the Landsat satellite system.

The conference report provides funds for the NEXRAD Doppler weather radar program, consistent with the new agreement between the Department of Commerce and the NEXRAD prime contractor. Hearings held by the Committee on Science, Space, and Technology have demonstrated the urgent need to replace the aging, and obsolete,

radars of the National Weather Service, many of which were constructed in 1957. It is no exaggeration to say that the current weather radar system represents a clear and present danger to public safety.

The conference report supports the rephrased GOES–NEXT geostationary weather satellite program, including funds to fully test and repair the GOES–I and GOES–J satellites prior to launch. Funds are also made available for the construction of ground systems needed to assure interoperability with the European Meteosat weather satellite system. This will help ensure that we will not experience a potentially disastrous loss of weather satellite coverage should the current GOES satellite fail.

The conference report also includes funds for the procurement of long-lead parts for the construction of Landsat 7. This funding is critical if we, as a nation, are to retain our technological leadership in satellite remote-sensing.

The conference report also restores proposed cuts in the core programs of the National Institute of Standards and Technology [NIST] with modest increases in key research areas, such as semiconductors, superconducting technologies, and earthquake research. While I am disappointed that funds were below the administration's request for NIST's internal programs, I will work with the gentleman and the administration to seek higher levels next year. NIST plays an integral role in enhancing the international competitiveness of U.S. industry, and we must make adequate investments in programs like NIST to protect our national economic security in an increasingly global market.

Mr. Speaker, I urge my colleagues to support the conference report on H.R. 2608, the Commerce, Justice, State, the judiciary, and related agencies appropriations bill.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], the ranking Republican on the full Committee on Appropriations.

Mr. MCDADE. Mr. Speaker, I am most pleased to rise in support of this conference report making appropriations for Commerce, Justice, State, and judiciary for fiscal year 1992.

I want to pay a special tribute to my friend, the gentleman from Iowa [Mr. SMITH], the chairman of this subcommittee, and to my friend, the gentleman from Kentucky [Mr. ROGERS], as well as the other members of the subcommittee. They faced a very difficult situation of not enough resources to meet needs to begin with, and then faced a Senate conference which saw the Senate add 181 separate amendments which they had to deal with, line by line, and item by item. They have done really a remarkable job in getting the degree of consensus that they have achieved in presenting this bill to the House.

I see no reason why it should not be overwhelmingly adopted. It is within the 602 allocations. There were some upward adjustments within the 602's earlier this year, compared with the original allocations, that enabled changes to be made to reflect priorities around the Nation, and they have done a superb job.

Mr. Speaker, this bill encompasses three functions of the budget: domestic, defense, and international. It funds a vast array of programs, from those to help fight the war on crime and drugs here at home, to maintaining our diplomatic presence overseas. The conferees have made adjustments to the House-passed bill to better provide for our priorities: programs which are critical to the ability to prosecute drug-related, white collar, and organized crime; to bolster exports abroad; and to foster development of emerging technologies. Of concern to many members, and the administration, was the level of funding provided the Departments of Justice and Commerce. The Department of Justice has received an increase of $64.85 million over the House-passed bill. While the Department of Commerce is allocated an additional $500.7 million, of which $243.8 million is for the Economic Development Administration.

The total appropriation provided in this bill, $21.9 billion, is within the subcommittee's 602(b) allocation. This bill holds the line. The conferees had some difficult decisions to make and they did so as a team. They have brought back to the House a balanced, fair, and disciplined conference report. I urge my colleagues to support it.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report on H.R. 2608, the fiscal year 1992 Commerce, Justice, State, judiciary, and related agencies appropriations bill. I would like to express my appreciation and gratitude to Chairman NEAL SMITH and ranking member HAL ROGERS for their leadership in putting together this conference agreement. I would also like to thank the subcommittee staff for their assistance and commend them on their efforts on this conference report. I know that many hours of hard work were put into drafting this agreement.

I am particularly pleased that significant levels of funding were included for a number of high-priority environmental programs, especially those which help protect our Nation's coastlines. For example, the conference report provides significant funding for the National Oceanic and Atmospheric Administration's [NOAA] ocean and coastal management programs, programs which impact so many of our States. Also included is $5 million for the National Marine Sanctuary Program, which is expected to double in size this year with the designation of additional marine sanctuaries across the Nation. This important program is charged with protecting and preserving our Nation's sensitive marine resources.

The conference agreement also maintains $40.9 million for grants under the Coastal Zone Management Program, a vital national program charged with protecting the treasures of our Nation's coastlines covering 35 States and territories. In addition, $2 million is included for the Nonpoint Source Pollution Program, a new grant program which Congress approved last year. These funds will further help our States develop and implement management measures to restore and protect coastal waters.

In addition to NOAA's programs, the conference report also includes $5 million under the State Department's Bureau of Oceans and International Environmental and Scientific Affairs [OES] for grants, contracts and other activities to conduct research and promote international cooperation on environmental issues. These funds will enable research in such areas as global and climate change, Antarctic protection, ozone depletion, and marine resources. The environmental damage occurring in the Persian Gulf during the war, and its implication for the region and the rest of the world, attests to the importance of providing funds for this vital program.

Mr. Speaker, these are just a few examples of the important programs included in the conference agreement. Again, I would like to commend Chairman SMITH and the subcommittee for the excellent job they have done. I urge my colleagues to join me in supporting this conference report.

Mr. ROGERS. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona [Mr. KOLBE], a very hard-working member of the subcommittee.

Mr. KOLBE. Mr. Speaker, I rise today in support of the conference committee report on the Commerce, Justice, State, and judiciary appropriations bill for fiscal year 1992.

I do so with some reservations, but first let me address the reasons why I support this bill.

The chairman of our subcommittee, Mr. SMITH of Iowa, and the ranking member of our subcommittee, Mr. ROGERS of Kentucky, struggled with many difficult issues while managing this bill. Their work deserves the appreciation and commendation of every Member of this body.

The most difficult issue, of course, was our allocation—which was very tight. But that is the way it should be, and I am glad to see that our bill is within our budget parameters and conforms with the philosophy of last year's Budget Enforcement Act.

We have set spending limitations, and we should live by them.

Despite the tight funding, this bill still contains increases over last year for a variety of programs that address this Nation's competitiveness, crime and drug problem, and our diplomatic presence overseas.

The FBI, DEA, the Bureau of Prisons, and the INS will all see funding increases over their appropriation levels for fiscal year 1991. The INS, which has an especially difficult task in southwestern States, will receive an increase for inspection services along our border with Mexico.

In the Department of Commerce accounts, I was pleased that we were able to increase funding for the Advanced Technology Program [ATP] and other items under the National Institute for Standards and Technology [NIST].

NIST and the ATP are vital for our Nation's competitiveness. By promoting generic technologies that benefit an array of American industries, the ATP generates needed technology that is out of the financial reach of many of our high-technology companies.

The International Trade Administration, which provides valuable support for our Nation's trade policy, receives an increase in this bill. The ITA is especially important as we continue the Uruguay round of the GATT negotiations, and as we conduct our talks with Mexico and Canada to achieve a North American Free-Trade Agreement.

On that same note, the U.S. Trade Representative's Office, our lead agency on trade negotiations, is funded at the administration's request in this bill. I work with Ambassador Carla Hills and her staff day in and day out. I am amazed that they are able to conduct both the GATT and NAFTA negotiations, monitor our Nation's trade agreements with other nations, and report on all of their activities to Congress with the relatively small size of their staff. This is an extraordinary effort, and Ambassador Hills and her staff are to be commended.

In the international accounts, this bill contains several positive provisions. For example, this bill funds another installment of our payments in arrears to the United Nations. The plan is to have all of our arrearages funded by the end of fiscal year 1995.

In addition, this bill provides more than $21 million for the International Boundary and Water Commission between the United States and Mexico.

There are major environmental problems along the Southwest border, especially with respect to wastewater and water-borne environmental hazards. The Rio Grande River bordering Texas, the New River that leads into California, and the Santa Cruz River in my home State of Arizona are all suffering from a variety of environmental problems.

However, there is good news. The IBWC, along with a wide variety of Federal, State, and local officials on both sides of the border are cooperating as never before. If we successfully negotiate a North American Free-Trade Agreement that also addresses our environmental infrastructure needs, the border area will become both cleaner and more productive.

The Senate added two amendments regarding the State of Israel to our bill that I support. The first prohibits the State Department from expending any funds to implement contracts for any foreign or United States company that complies with the Arab League boycott of Israel.

The second amendment, sponsored by Senator LAUTENBERG, prohibits the State Department from issuing Israel-only passports. This is in response to the practice of those Arab nations that do not allow entry for any persons carrying a passport that has been stamped in Israel.

These two amendments send a distinct message: If the Arab nations are true to their word that they want peace, then they must end these outrageous discriminatory practices that serve no useful purpose in achieving that goal.

Finally, Mr. Speaker, this bill provides $30 million for new diplomatic posts in the Baltic Republics, other Soviet Republics, and Eastern European States.

We have not had a diplomatic presence in most of these areas since before WW II. I am proud to be a member of the subcommittee and the Congress that will restore these historic diplomatic relations.

There are also some provisions of the bill that cause misgivings on my part.

Foremost among those is the question of our Moscow Embassy.

Earlier this year, we voted on the floor of the House to authorize construction funds for the Embassy. We had a thoughtful but intense debate on the floor and the result was to allow the State Department the maximum amount of flexibility possible to develop a proposal for the Moscow Embassy that would then be considered by Congress.

This bill does exactly the opposite.

This bill requires a completely new solution for the Moscow Embassy. It proposes to obligate $100 million for a new secure building in Moscow.

This will be familiar to many Members as the Schlesinger plan, first outlined more than 5 years ago.

This plan may be fine—but I don't know that for sure, and neither does any other Member of this body.

Why?

Because the State Department developed this option with no real consultation with anybody. Because it is a solution, and because we have been stalemated on this issue for more than 5 years, Members of this body are expected to go along.

But I would say that any plan developed 5 years ago for the Soviet Union is either obsolete today, or must be radically modified to conform to the enormous changes that have taken place in the U.S.S.R.—or Russia—since that time.

There have been no hearings, no testimony, no debate and no input on this proposal.

That is why I signed this conference report, but only in disagreement on this provision.

I have several questions about the new building option, but no answers. For example, can the State Department tell us whether or not the construction of the new facility will interfere with the current secure space that is available for our diplomatic personnel?

Can the State Department provide us with a firm cost estimate of the new building? I have heard the figure $230 million, but have not seen it justified on paper.

I assume that this is the case, but can the State Department assure us that the new building will meet its requirements for secure space in Moscow?

What is the State Department proposing to do with the current partially constructed building?

Has the State Department developed any cost estimates on the cost of the options for the partially constructed building?

Do we have an endorsement for this new option from the Soviet Union or the Russian Republic?

These are just a few of the basic questions I have regarding the new building option.

My position on the Moscow Embassy has remained consistent throughout this long debate. I will support the quickest, most efficient, and most effective solution for our new Embassy. The new building option may be the best solution, but we don't know that to be the case. Until I know for sure, and until the questions I asked above are answered by the State Department, I am reluctant to support this plan.

I am also concerned about the GOES-NEXT Program. Essentially, the National Oceanic and Atmospheric Administration [NOAA] requires that we maintain two satellites in geostationary orbit for weather monitoring purposes. These satellites are especially important for tracking hurricanes.

We currently have only one satellite providing hurricane warning coverage, the GOES-7, which is due to expire in mid-1992. In addition, we are receiving weather information from a European satellite and have a commitment to continue doing so until it runs out of fuel in late 1993 or early 1994.

The launch of the GOES-NEXT "I" satellite was recently delayed a year by NOAA until late 1993. But that is

not the whole story. According to the General Accounting Office, GOES-NEXT has already been delayed by 3 years. The costs of the program have increased from $640 million to more than $1.7 billion in 5 years. Given this track record, I am doubtful that GOES-NEXT will launch on its current timetable.

This bill funds the GOES-NEXT program at $118 million, a reduction from the $148 million request by the administration. However, I do not believe we should continue to pour money into a satellite program that may not provide adequate warning of hurricanes. I would advocate cutting this program further until the extensive problems with GOES-NEXT can be addressed.

The bill also contains a $110 million emergency weather satellite contingency fund to secure other satellite coverage should GOES-NEXT be delayed again.

I support the contingency fund. However, given the delays in GOES-NEXT, I am not confident that the contingency fund monies could be used in time to guarantee satellite coverage should GOES-NEXT be delayed beyond 1993. It takes many months and perhaps years to procure a satellite, either off the shelf or through new construction. And it takes time to fold that satellite into a launch schedule. The way this bill is worded, the contingency fund provides no assurances that coverage will be guaranteed beyond 1993.

In addition, the Department of Commerce has stated that it has no plans to purchase an additional satellite, and will instead rely on European coverage. However, at this time, the Europeans have not indicated that they will provide coverage beyond 1993. Without a modification of the Department of Commerce's position, the contingency fund is moot.

A recent issue of Space News stated, "If GOES-NEXT is delayed beyond the end of 1993 or if Meteosat 3 and GOES-7 fail early, the United States still would be left without any comprehensive satellite coverage of storm systems."

This Nation cannot afford to have inadequate protection against hurricanes. As a result, I believe we should use the contingency fund immediately to guarantee that we will have satellite coverage beyond 1993. The previous GOES-7 contractor has a satellite owned by the Japanese that the Department of Commerce could negotiate to purchase. That satellite could be launched in time to provide coverage beginning in 1994 or sooner. At the same time, we can alleviate the time pressures that have been placed on GOES-NEXT and allow the Department of Commerce and NOAA to thoroughly evaluate the entire program before we continue to throw scarce resources at it.

Finally, our subcommittee is required to provide funding for a "permanent and indefinite" appropriation for independent counsels. These independent counsels literally have free reign to spend and waste taxpayer dollars. For instance, the celebrated history of the independent counsel headed by Lawrence Walsh has resulted in close to $30 million in expenditures.

Next year the relevant authorizing committees in the House and the Senate will be revisiting the issue of the independent counsels. I have inserted report language in this bill that urges them to carefully consider the funding mechanism for independent counsels, while recognizing the need to maintain their independence.

Overall, Mr. Speaker, I am pleased with the final product of the work of our subcommittee and the Senate subcommittee. I do not believe there is any other appropriations subcommittee that examines such a wide array of issues each and every year. It is remarkable that we are able to produce a bill at all. For their efforts, I again commend Mr. SMITH and Mr. ROGERS, and look forward to working with them again next year on the fiscal year 1993 Commerce, Justice, State, and the judiciary appropriations bill.

□ 1150

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON] for the purpose of a colloquy.

Mr. RICHARDSON. Mr. Speaker, I appreciate first of all the committee chairman yielding me this time and the minority for their work on this bill.

I appreciate the inclusion in this bill of Small Business Administration funds for economic development projects in Rio Arriba County, NM, one of the poorest counties in the Nation. At this time, I would like to clarify the distribution of these funds, and would like to enter into a colloquy for this purpose, and I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I am very agreeable to entering into a colloquy with my colleague from New Mexico.

Mr. RICHARDSON. Mr. Speaker, the bill includes a $375,000 small business grant to Rio Arriba County. I would like to clarify that this grant is extended for the establishment of an Indian and Hispanic Cultural, Educational, and Small Business development center. Is this the understanding of the chairman?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield further, I agree with the gentleman from New Mexico. The purpose of the $375,000 grant to Rio Arriba County is for the establishment of an Indian and Hispanic Cultural, Educational, and Small Business development center.

Mr. RICHARDSON. In addition, the bill includes a $375,000 small business grant for the continued development of the Espanola Plaza in Espanola, NM.

Is that correct?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield further, that is correct.

Mr. RICHARDSON. Mr. Speaker, I thank the chairman. I also want to praise the chairman, along with the gentleman from California [Mr. CAMPBELL] also, for the inclusion of $550,000 for a small business development grant to the Cumbres-Toltec Railroad in New Mexico and southern Colorado for economic development purposes.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], for the purpose of a colloquy.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this Member rises to engage in a colloquy with the distinguished gentleman from Iowa and chairman of the Appropriations Subcommittee, Mr. SMITH, and the ranking minority member, the distinguished gentleman from Kentucky [Mr. ROGERS].

Mr. Speaker, as these gentlemen likely remember, I have contacted both of them on the appropriations for the Drug Enforcement Administration requesting, if possible, full funding as requested for that agency. In those contacts I noted how Administrator Bonner of the DEA had informed me that the DEA would place two agents in the Sioux City, IA, metropolitan region as requested by this Member, the gentleman from Iowa [Mr. GRANDY] and the gentleman from South Dakota [Mr. JOHNSON], if full requested funding was received by the Agency for fiscal year 1992. While I feel that condition is an unreasonable conditional response, the urgent need for DEA agents permanently stationed in the Siouxland area prompted me to ask for your committee to support if at all possible the Administration's request. I ask you now, gentlemen, am I correct in my understanding that the pending conference report includes funding for the DEA of $716,653,000 and that this sum is some $10,367,000 more than the original House-passed levels?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for that confirmation, and I would then ask both gentlemen to join me in strongly encouraging the DEA to assign a full-time agent to the Sioux City, IA, metropolitan office. However, since the DEA never assigns just one agent to an office, I also ask for both gentlemen's support for the assignment of a minimum of two agents to the office in Sioux City, IA, to serve the 3-State metropolitan area, encompassing communities in Woodbury County, IA, Dakota County, NE, and Union County, SD.

□ 1200

I would yield, first, to the gentleman from Iowa [Mr. SMITH], chairman of the subcommittee, for his understanding and his support.

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

Mr. Speaker, the gentleman brought this issue to my attention over the past several weeks. I agree with the gentleman that this is an important matter, and I encourage DEA to look very seriously at the situation regarding the two agents.

Mr. BEREUTER. Mr. Speaker, I appreciate the comment from the chairman. I want to compliment the gentleman from Iowa and the distinguished gentleman from Kentucky for their fine work on this bill.

Mr. Speaker, at this time I yield to the distinguished gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman said, the gentleman has been very persistent on this with both Mr. SMITH and myself and the subcommittee. I would agree with the gentleman and join in encouraging DEA to place two DEA agents in the Sioux City metropolitan area. We include an increase of $10 million for the domestic enforcement, including more agents. So this should be something that they can work out.

Mr. BEREUTER. I thank the gentleman for all his help and that of the chairman as well.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. IRELAND], the ranking Republican on the Committee on Small Business.

Mr. IRELAND. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the conferees for their work on the Small Business Administration section of this bill.

The SBA directs numerous programs designed to aid and encourage small business in this country.

SBA is the only agency looking out for the needs and interests of the businesses that produce a majority of the new jobs in this country—our Nation's small businesses.

The new SBA Administrator, our former colleague Patricia Saiki, is intent on making SBA an example of Government-private sector cooperation.

With that in mind, I am glad to see that the conferees agreed to increase the inspector general's budget at the SBA.

Mrs. Saiki is working hard to make quality the watchword of the SBA. I am glad the conferees recognize her efforts and realize that there is no way to ensure quality performance at the SBA except with an effective, adequately funded inspector general.

Second, as an example of Government-private sector cooperation, I am happy to see that a microloan program has been initiated under the auspices of the SBA.

This is an excellent concept and I wholeheartedly support it. I hope it will form the basis for a similar, though much more comprehensive, microloan program that I introduced recently: The Small Business Economic Enhancement Act.

Mr. Speaker, I have often stood before this body and admonished my colleagues that it's easy to say that you're all for small business, but it's how you vote that really counts.

The appropriations bill we are considering today will serve our small-business community well. It gives the Small Business Administration the resources it needs to serve as a truly effective advocate for our Nation's smaller firms.

I urge my colleagues to cast their votes in favor of this legislation.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I want to commend the gentlemen from Iowa and the other conferees for their hard work on the conference agreement before us which provides funding for the programs of the Departments of Commerce, Justice, and State as well as the Federal judiciary.

I realize that this is one of the most difficult of the appropriations bills because of annual emergencies which must be met within very tight funding limitations. This year was especially tough because the increased financial demands of fighting crime had to be met in the context of a subcommittee allocation that barely increased.

Unfortunately, the constant emergencies this subcommittee must deal with cause some other very important programs to languish, especially in the Department of Commerce.

For instance, the National Institute of Standards and Technology [NIST] has a key role to play in furthering the economic competitiveness of U.S. industry. NIST's research and standards development activities make possible American high-technology products manufactured with world-class precision. Companies also increasingly rely on NIST's transfer of its manufacturing expertise. Without NIST, the information often is not available since NIST is the only Federal laboratory whose primary purpose is to increase the competitiveness of American companies.

The American Technology Preeminence Act of 1991 (H.R. 1989), passed overwhelmingly by the House in July, clearly reflects the growing realization in this body that competitiveness must be a Federal priority and that an expansion of NIST activities should be a key component of our competitiveness strategy.

Although I realize that budgetary constraints have to be considered, I am disappointed that the requested funding levels for these critical programs, in total, were less than the President's request for NIST. While I can accept this decision for 1 year, we must come to grips with competitiveness priorities in the near future.

I therefore hope that, when we begin looking at fiscal year 1993 priorities, a few months hence, we will be able to take a little longer view and, through our budgets for the technology programs of the Department of Commerce, signal that we are serious about providing industry the support it needs to become a major factor in those high-technology markets that will determine which nations are the industrial powers of the 21st century.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I will not take much time. I wish to compliment the chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member, the gentleman from Kentucky [Mr. ROGERS], and all the members of the subcommittee for the fine job that they have done on this bill.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to express my gratitude to the chairman of the committee for the speed with which he has brought this important bill to the floor.

H.R. 2608 includes important language ensuring that programs as diverse as our diplomatic initiatives and domestic law enforcement will continue to receive the funding they deserve.

One program I believe particularly deserves the support of my colleagues is the funding for the Economic Development Administration [EDA]. I am pleased to see that the conference committee has adopted the Senate EDA language, providing $214 million for the Administration.

The Economic Development Administration was established in order to generate new jobs, to help protect existing jobs, and to stimulate commercial and industrial growth in economically distressed areas of the United States. In my district, where communities have been mired in a recession for years, this program is important for the continued vitality of many communities.

I am particularly pleased that the committee has recognized a project in my district—the Cumbres and Toltec Scenic Railroad. This railroad, a 64-mile, steam-powered, narrow-gauge railroad jointly owned by New Mexico and Colorado, is an excellent example of the benefits this agency brings to

small communities. This historic railroad operates under an interstate compact established by Congress in 1974 and carries nearly 50,000 passengers a year. The assistance this railroad will receive through this bill will allow the two States to rehabilitate the steam-powered engine and ensure that this living museum is preserved for future generations of Americans.

Again, I thank the chairman of the committee for his dedicated, tireless efforts in crafting this bill. I urge all my colleagues to join me in supporting this important package.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I want to express my support for H.R. 2608, making appropriations for the Departments of Commerce, Justice, and State, and for the judiciary. I appreciate very much the work of the gentleman from Iowa [Mr. SMITH], the gentleman from Kentucky [Mr. ROGERS], and the members of the subcommittee throughout this year and in particular during conference with the Senate. The subcommittee had to work within extraordinary spending constraints this year, and it is a credit to Chairman SMITH and his colleagues that they were able to produce such a good bill.

Many important programs are funded by this bill. I want to highlight several within the National Oceanic and Atmospheric Administration or NOAA. NOAA's programs include some to help implement the Clean Air Act, others to gather information on the increasingly urgent problem of climate and global change, as well as critical efforts to develop new technology to improve weather forecasting systems. The funding provided in this bill for those programs, while short of the amounts that could be used productively, will allow important operations to proceed at adequate levels.

NOAA's program for regional observing and forecasting services [PROFS], for example, will lead to improvements in the advanced weather interactive processing system by developing weather forecasting software and testing regional models that will be required in restructured weather service operations.

Another important element in this restructuring and modernization is NOAA's wind profiler network, which I am pleased to note received funding from the conference close to NOAA's original request.

And I am happy that funding was also included for NOAA's solar terrestrial services program. With this funding new technology such as the x-ray imager, new techniques such as scintillation measurement, and upgraded computer processing systems can be developed to better forecast solar storms that disrupt telecommunication, electrical power distribution, and space programs.

The House-Senate conference worked hard on this bill. Again, I commend and thank Chairman SMITH and his colleagues for their accomplishments.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report on H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for fiscal year 1992.

The bill provides $21.025 billion in discretionary budget authority and $20.707 billion in discretionary outlays. I am pleased to note that the bill is $45 million below the level of discretionary budget authority and $7 million below the discretionary outlays as compared to the 602(b) spending subdivision for this subcommittee.

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

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 2, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 2608, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for Fiscal Year 1992. This bill is scheduled to be considered Thursday, October 3, 1991.

This is the fifth regular Fiscal Year 1992 appropriations bill conference report to be considered. The bill is below the 602(b) subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

FACTSHEET, CONFERENCE REPORT TO ACCOMPANY—H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102–233)

The House Appropriations Committee filed the conference report for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for Fiscal Year 1992 on Tuesday, October 1, 1991. This conference report could be considered at any time.

COMPARISON TO THE 602(b) SUBDIVISIONS

The conference report provides $21,025 million in total discretionary budget authority, $45 million below the Appropriations subdivision for this subcommittee. The conference report is $7 million under the subdivision total for estimated outlays.

COMPARISON TO DOMESTIC DISCRETIONARY SPENDING ALLOCATION

The conference report provides $15,801 million of domestic discretionary budget authority, $44 million less than the Appropriations subdivision for this subcommittee. The bill is the same as the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

[Dollars in millions]

	Commerce, Justice, and State, the Judiciary and Related Agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under (-) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	15,801	15,640	15,845	15,640	−44	
Mandatory[1]	902	890	902	890		
Total	16,703	16,530	16,747	16,530	−44	

BA = New budget authority
O = Estimated outlays
[1] Conforms to the budget resolution estimates for existing law.

COMPARISON TO INTERNATIONAL DISCRETIONARY SPENDING ALLOCATIONS

The conference report provides $4,990 million of international discretionary budget authority for the State Department and related activities, the same as the Appropriations subdivision for this subcommittee. The bill is $7 million under the subdivision total for estimated discretionary outlays.

COMPARISON TO DEFENSE DISCRETIONARY SPENDING ALLOCATIONS

The conference report provides $234 million of discretionary budget authority for the ready reserve force within the Department of Transportation—Maritime Administration, $1 million under the Appropriations subdivision for this subcommittee. The bill is the same as the subdivision total for estimated discretionary outlays.

The House Appropriations Committee reported the Committee's subdivisions of budget authority and outlays in House Report 102–180. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

PROGRAM HIGHLIGHTS

The following are the major program highlights for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for FY 1992, as reported:

[Dollars in millions]

	Budget authority	New outlays
Justice Department:		
Office of Justice Assistance	668	147
General administration	110	99
General legal activities	384	334
Japanese American reparation payments (mandatory)	500	500
Antitrust division	45	37
U.S. Attorneys	721	634
U.S. Trustees	57	49
U.S. Marshals	314	282
Support of U.S. prisoners	219	131
Organized crime drug enforcement task force	363	280
Federal Bureau of Investigations	1,926	1,525
Drug Enforcement Administration	717	537
Immigration and Naturalization, salaries and expenses	938	751
Federal Prison System, salaries and expenses	1,599	1,439
Federal Prison System, buildings and facilities	452	45
Commerce:		
National Institute of Standards and Technology	247	161
National Oceanic and Atmospheric Administration; operation, research and facilities	1,454	872
Bureau of the Census	290	252
International Trade Administration	207	145
Patent and Trademark Office	88	49
Economic Development Administration, programs	227	23
EDA, salaries and expenses	28	24
The Judiciary:		
Court of Appeals, district courts and other judicial services	1,875	1,725
Defender services	191	181
Court security	81	53
Administrative office of the courts	45	40
Federal Judicial Center	18	14
Equal Employment Opportunity Commission	210	186
Legal Services Corporation	350	308
Securities and Exchange Commission	157	143
Federal Maritime Administration	307	173
Small Business Administration, salaries and expenses	236	173
SBA business loans program account	377	311
SBA disaster loans program account	200	130
State Department:		
Salaries and expenses	2,016	1,653
Acquisition and maintenance	545	104
Contributions to international organizations	848	845
Contributions for international peacekeeping activities	107	107
U.S. Information Agency	1,087	781

Mr. HUGHES. Mr. Speaker, I rise today in support of the conference report on H.R. 2608, fiscal year 1992 appropriations for Commerce, Justice, State, the Judiciary and Related Agencies.

The Department of Commerce appropriations bill reflects a strong commitment to marine science and to the preservation and protection of the coastal, ocean, and great lakes environments and their associated living marine resources.

I am very pleased to see continued funding for the National Undersea Research Program including the establishment of a much needed new national undersea research center for the New York bight region, oyster disease research, coastal zone management, and the inclusion of the fishery obligation guarantee program.

Further, I strongly support funds directed to site selection and the planning design of a multispecies aquaculture facility in New Jersey. New Jersey is an ideal location to capitalize on recent developments in the rapidly expanding field of aquaculture with a proximity to markets, the demand for fresh, healthful products, available natural resources, adequate financing, and a major university.

The demonstration facility will provide extension services, training of potential aquaculturists/farmers, a forum where long-term research can be coupled with pilot-scale demonstration projects, and will function similar to an experimental farm.

Mr. Speaker, once again, I want to express my strong support of the conference report on H.R. 2608 and I urge my colleagues support of the legislation.

Mr. PENNY. Mr. Speaker, I rise today in opposition to the conference report on H.R. 2608, the Commerce-Justice-State appropriations bill. This report calls for $21.9 billion in spending, almost $1 billion more than what was approved by the House of Representatives in June of this year, and it is $2.4 billion more than last year's level. This is a 12-percent increase over last year.

Where has the additional $2.4 billion over last year's level been earmarked? The FBI received an increase of $240 million or a 14-percent increase. The Federal prison system received an increase of $320 million or an 18-percent increase over fiscal year 1991 levels. The Economic Development Administration received an increase of $79.9 million or a 45-percent increase. The Small Business Administration received an additional $367.7 million, a 78-percent increase over last year's level. Finally, the Legal Services Corporation received an additional $21.8 million or a 7-percent increase. Just these five programs account for almost half of the increase for the entire appropriations bill.

Mr. Speaker, we are all aware that the budget deficit for this year will reach nearly $400 billion. What we don't all seem to realize is the fact that we cannot afford to spend money which we simply don't have.

Mr. DINGELL. Mr. Speaker, I would like to commend the Subcommittee on Commerce, Justice, State, and Judiciary, and particularly its chairman, my colleague from Iowa, for its inclusion of $7.4 million for fiscal year 1992 for the Great Lakes Fishery Commission [GLFC].

The GLFC was organized jointly by the United States and Canada, with my strong support, in 1956. One of the Commission's two major responsibilities was to formulate and implement a program to eradicate or minimize sea lamprey, an eel-like creature that has devastated populations of many fish species. In 35 years, the GLFC has achieved notable success in lamprey control through the development of lampricides and other control programs.

These moneys for fiscal year 1992 will help relieve Michiganians and other residents of the Great Lakes States of the unending burden presented by the sea lamprey, an invader from the Atlantic Ocean which continues to threaten fish population as well as the economic health of each Great Lake State and the Canadian Province of Ontario.

Mr. Speaker, I am pleased that both the subcommittee and the full Committee on Appropriations recognize the importance of sea lamprey control. This legislation will help to ensure that the fine work of the GLFC to control sea lamprey continues.

Mr. PRICE. Mr. Speaker, I rise today in support of H.R. 2608, the Commerce, Justice, and State fiscal year 1992 appropriations bill. I want to compliment Chairman SMITH and the other members of the subcommittee for bringing us a bill that will fund critical national investments to combat drug abuse and crime, promote our Nation's economic competitiveness, protect the environmental heritage of this country, and ensure the safety of our Nation's citizens through more accurate and better weather forecasting.

I want to thank Chairman SMITH for his efforts on behalf of the textile industry in this country. The subcommittee has funded two vital research projects to ensure the economic competitiveness of the textile industry. The first is the National Textile Center whose purpose is to develop a sound and fundamental base in textile manufacturing science, engineering and technology.

Four universities—North Carolina State University, Georgia Tech, Auburn, and Clemson—which collectively produce over 90 percent of the U.S. textile related academic research and degrees have formed the National Textile Center. Research teams composed of experts at these universities will focus on the development of high-performance materials, rapid and efficient designs for new fabrics and products, new technologies and automation systems, and the integration of design, manufacturing, and marketing systems.

This center will help us meet the challenges posed by our high technology trading partners like Japan and Germany who have identified textile manufacturing as a national science priority. It is critical now to fund these R&D efforts since technological innovations are revolutionizing this industry.

The second project is the Textile/Clothing Corporation or TC Squared. The funding level of $3.315 million, which will be matched by the industry, will allow the Corporation to continue to develop modern equipment, computer systems, and methodologies for textile manufacturing plants. While the National Textile Center will focus on the long-term competitiveness of the textile industry, TC Squared is currently transferring technology to textile and apparel plants across this country. Both efforts are needed if we are to continue to have a strong and vital textile industry in this country.

I am also extremely grateful that the subcommittee has included $400,000 for tornado and severe thunderstorm research in the southeastern coastal plain. In November of 1988, a devastating tornado struck North Carolina killing four people, injuring 157 people, leaving 982 people homeless, and causing $77 million in damage. At my request, the Science, Space, and Technology Committee held a field hearing to gather evidence about this incident to learn about our Nation's weather forecasting deficiencies. One recommendation was that we needed to learn more about southeastern storms, which differ significantly from storms in the Midwest, where most tornado research has been carried out. The funding in this bill should help us make progress on this recommendation and to minimize or prevent the loss of human life when these disastrous storms arise.

In closing, I urge my colleagues to support this bill. Chairman SMITH and the other subcommittee members should be commended for writing a bill that responds to our Nation's needs.

Mr. RICHARDSON. Mr. Speaker, today I rise to express my strong support for the conference report on the fiscal year 1992 Commerce, Justice, State, and Judiciary appropriations. I commend my colleague, Chairman NEAL SMITH, for his hard work and dedication in putting forth a strong appropriations bill that

will go a long way in providing funds to develop economically depressed areas, to fight crime, and to maintain our top position in the foreign affairs arena.

I am particularly pleased that funds have been provided for economic development projects in Rio Arriba County in northern New Mexico, one of the poorest counties in the Nation. Specifically, $375,000 has been included for the city of Espanola to continue development of the Espanola Plaza. In addition, $375,000 has been provided for the county of Rio Arriba for the establishment of an Indian and Hispanic cultural, educational, and small business development center.

The plaza will showcase the three cultures that are the foundation of northern New Mexico and serve as a center for sustained economic development and growth in the Rio Grande Valley. The plaza will include an amphitheater, historic and cultural centers, shops, an open market for Indian crafts, and municipal buildings.

The cultural, educational, and small business development center will be used to demonstrate and showcase Indian and Hispanic contributions to agriculture, arts and crafts, language, and culture. The center will house a living museum and historic exhibits and will encourage development and marketing of minority arts and crafts. More importantly, it will express the uniqueness of the Indians and Hispanics who have melded into our great American southwest.

Additionally, $550,000 has been made available for the continuous operation and historical preservation of the Cumbres & Toltec Scenic Railroad. Specifically, these funds will be used to restore and renovate engine No. 463 providing a much needed fifth working engine for the operation of the railroad and for the construction of three new passenger cars enabling the railroad to meet the demands of increased patronage.

The Cumbres & Toltec Scenic Railroad is a 64-mile, steam-powered, narrow gauge railroad jointly owned by New Mexico and Colorado. This railroad is one of the economic lifelines for the citizens of both Rio Arriba and Conejos County of New Mexico and Colorado, respectively, because the 45,000 tourists a year that are brought to the area support many shops, stores, and jobs. The railroad provides 60 to 70 much needed jobs to both New Mexico and Colorado each year and the tourists it brings to the region are important for the economic development of these States.

Mr. Speaker, this legislation is critical for the residents of my district and the State of New Mexico. I urge my colleagues to support it.

Mr. GUARINI. Mr. Speaker, I rise in support for the gentleman from Iowa [Mr. SMITH] and want to thank him for his support for additional funding for drug abuse treatment in prisons.

The United States now has the distinction of being the most incarcerated nation in the world. The inmate population has nearly doubled since 1980—largely due to the dramatic increase in convictions for drug offenses. Drug offenders make up 51 percent of all Federal inmates and over 70 percent of all prisoners nationwide.

I have been working on legislation to establish a comprehensive drug treatment program for inmates in Federal, State, and local correctional facilities or under the supervision of the criminal justice system. Treatment works—reducing recidivism by as much as 25 percent. It is also extremely cost-effective. For every $1 we spend on treatment—the taxpayers save up to $12 in future incarceration costs. And I will remind my colleagues that this bill includes $288 million for new prison construction.

The conference agreement includes a $12-million increase for treatment programs over last year's level of $11 million. This will enable the Bureau of Prisons to expand the number of residential facilities from 5 to 30 and treat some 3,600 inmates annually.

While this is a step in the right direction, Mr. Speaker, we need to do a great deal more and with the support of my colleagues I plan to continue my efforts.

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

Mr. SMITH of Iowa. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1210

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 1: Page 2, line 11, strike out "$88,876,000" and insert "$90,004,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with an 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 2, line 20, strike out "$493,000,000" and insert "$498,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows:

In lieu of the amount stricken and inserted by said amendment, insert the following: "$499,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 4: Page 3, line 1, strike out all after "(b)" down to and including "(c)" in line 4.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offered a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate number 4, and concur therein 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 E of title I 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 I of said Act for Correctional Options Grants; (c)".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 3, line 12, strike out all after "4824)" down to and including "investigations" in line 17 and insert *Provided further*, That $5,762,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be obligated for a program to assist States in the litigation processing of death penalty Federal habeas corpus petitions".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 6, and concur therein 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 I 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*, That funds made available 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, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 3, line 17, after "investigations" insert ": *Provided further*, That, $1,000,000 of the funds made available in fiscal year 1992 under subpart 2 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 National Judicial College to provide judicial education and training to State trial judges with limited and general jurisdiction in the area of illegal drug and violent criminal offenses".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 8: Page 3, line 17, after "investigations" insert": *Provided further*, That, $150,000 of the funds made available in fiscal year 1992 under subpart 2 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 Project Freedom in Wichita, Kansas for its Drug Affected Babies Prevention Initiative".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 4, strike out lines 3 to 11.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

In addition, not withstanding 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).

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 12: Page 5, line 19, strike out "$19,925,000" and insert: "$114,142,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 12, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$110,100,00."

"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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that Senate Amendments Nos. 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160, be considered en bloc and printed in the RECORD.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I just want to make sure that I did not miss anything there. Are amendments 30, 78, and 122 not included in those numbers just read?

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

Mr. BURTON of Indiana. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, they are not included.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Iowa.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The texts of the various Senate amendments referred to in the unanimous consent request are as follows:

Senate amendment No. 13: Page 6, line 12, strike out all after "of" down to and including "systems" in line 18 and insert "the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the capital account of the Working Capital Fund to be available for the Departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act".

Senate amendment No. 17: Page 8, line 2, after "tion" insert" : *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses".

Senate amendment No. 31: Page 15, line 10, after "education" insert "and training".

Senate amendment No. 40: Page 28, after line 17, insert:

SEC. 108. Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no".

Senate amendment No. 41: Page 28, after line 17, insert:

SEC. 109. Section 504(a)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by striking "50 per centum;" and inserting in lieu thereof "75 per centum;".

Senate amendment No. 46: Page 30, line 17, strike out all after "studies" down to and including "agencies" in line 19 and insert ": *Provided*, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further*, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further*, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations".

Senate amendment No. 53: Page 33, line 2, after "subsistence" insert ": *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-thirty-second of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: *Provided further*, That such fees shall remain available until expended".

Senate amendment No. 57: Page 33, line 25, after "and" insert ", notwithstanding any other provision of law,".

Senate amendment No. 64: Page 34, line 16, after "expenses" insert "and cooperative agreements".

Senate amendment No. 68: Page 34, line 25, after "Fisheries" " insert " ; *Provided*, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: *Provided further*, That in addition to the sums appropriaed elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to Americans Fisheries" for grant management and related activities".

Senate amendment No. 79: Page 39, line 8, after "twelve" " insert " ; *Provided further*, That funds shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99-64".

Senate amendment No. 86: Page 41, line 12, after "expended" insert " : *Provided*, That disaster grants to States or other eligible entities made available by Public Law 101-515 and in this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: *Provided further*, That $2,000,000 shall be available to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to disasters".

Senate amendment No. 92: Page 43, line 4, after "year" insert " : *Provided further*, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $400,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT): *Provided further*, That $250,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies".

Senate amendment No. 94: Page 34, lines 6, 7, and 8, and insert:

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,632,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds approriated in this paragraph shall be used to fill and maintain forth-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: *Provided further*, That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

Senate amendment No. 95: Page 43, after line 8, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2424, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $226,836,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consutlants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That during fiscal year 1992, the Economic Development Administration shall not make any reduction in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: *Provided further*, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, any proceeds from the sale of property developed by Economic Development Administration Prohject Number 01-51-21118 shall be retained by the grantee for other development purposes and/or projects: *Provided further*, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, funds obligated or otherwise made available for Economic Development Adminsitration Project Number 05-22-00014 shall remain available to complete the project.

Senate amendment No. 129: Page 60, line 15, strike out "$114,913,000" and insert "$121,555,000, to remain available until expended".

Senate amendment No. 137: Page 62, line 23, after "101-246)", insert "*Provided*, That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses".

Senate amendment No. 160: Page 72, line 4, after "amended" insert "*Provided further*, That up to $1,250,000 shall be available for the operation of International Literary Cen-

tre, Ltd., or a nonprofit successor organization, as appropriate".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendments of the Senate numbered 13, 17, 31, 40, 41, 46, 53, 57, 64, 68, 79, 86, 92, 94, 95, 129, 137, and 160 and concur therein.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 9, line 6, strike out "$10,000,000" and insert "$13,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$13,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 22: Page 9, line 12, strike out all after "pended" down to and including "1993" in line 14.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 22, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 9, line 17, strike out all after "attorneys" over to and including "expenses" in line 6 on page 10 and insert"; including operating leases for facilities required to house students, administrative and training staff, provide classroom space, library space, and other auxiliary space to accommodate the relocation of the Legal Education program to a site within the State of South Carolina where legal education training shall be provided to Federal, State, and local prosecutive and litigative personnel; $728,259,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system; of which not to exceed $10,000,000 shall remain available until expended for the costs associated with the relocation of the Legal Education program: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That of amounts available in this account in fiscal year 1992, not to exceed $9,000,000 shall remain available until expended and may be used to fund intergovernmental agreement, including cooperative agreements and contracts, with State and local law enforcement agencies engaged in pilot projects pertaining to the investigation and prosecution of violent crime and drug offenses".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 23, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 10, line 9, strike out "$67,520,000" and insert "$69,571,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein with an amendment, as follows:

In lieu of the amount proposed by said amendment, insert the following: "$57,221,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 11, line 15, after "Program" insert ": *Provided*, That $10,000,000 of the $15,000,000 available under the Cooperative Agreement Program shall be used for a cooperative agreement with the State of Hawaii for the housing of Federal prisoners and detainees in Hawaii".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 13, line 17, strike out "$363,374,000" and insert "$380,344,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 30: Page 14, line 25, after "investigations" insert "; and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of the fingerprint identification services and related costs".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to the motion, and I ask for the 20 minutes of time which is allocated for those in opposition.

The SPEAKER pro tempore. Does the gentleman from Kentucky [Mr. ROGERS] also oppose the motion?

Mr. ROGERS. I support the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

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

Mr. SMITH of Iowa. Mr. Speaker, the conference report details the reasons for the amendment. It was requested, and I think it is needed. It has to do with the new automated fingerprint identification system, and, until that is operating, there is no way we can handle such things as gun control or instant information systems that the local governments need.

Mr. Speaker, it is a badly needed requirement. I have been told personally by the head of the FBI, who I asked this very straight question: "Do you need every dime of this $48,000,000 in the coming year for contract purposes," and he said, "We need to have this money now. Even though it may not be outlayed during the year, we need to have it now so we can make the contracts." I fully support this amendment that is in the bill.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] is recognized for 20 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past several months I have been opposing a number of projects by amendment in the appropriations bills, and we have been shot down almost 100 percent of the time.

I sometimes feel like Don Quixote; I am jousting windmills down here, talking about the pork that is in these appropriations bills. But I also feel a little bit like Isaiah because I am prophesying that we are going to have financial disaster in this country if we do not control our appetite for spending.

Now I was just informed that it is going to cost about $185 million more to relocate this FBI fingerprinting facility in West Virginia than it will be to keep it here where it is and expand the operation to take care of the needs of the FBI—$185 million more. Now initially we got $48 million that this amendment covers for this new fingerprint lab, but there are other costs that are going to be involved. In addition to this, in this amount is $1½ million, the amount for the actual relocation of the existing FBI fingerprint lab facilities to the new facility in West Virginia.

This is one of the famous pork barrel projects that our good friend, the chairman of the Appropriations Committee in the Senate, is doing for his district. He said not long ago that he was going to do his best when he became chairman of the Appropriations Committee to steer $1 billion back to the State of West Virginia.

Mr. Speaker, I understand that that is a popular thing to do. But the fact of the matter is the people in the rest of the country, in Indiana, and California, and in New York, are paying for these pork barrel projects, many of which are not necessary. Good for West Virginia, but not good for the rest of the country.

Now let me go into a little bit of the hyperbole I have used over the past few weeks. The deficit this year is going to be close to $400 billion, almost double what we had anticipated, and we thought the deficit this year would be much less because we raised taxes last year under the budget agreement by $137 billion. We raised those taxes. We were going to have the deficit around $200 to $225 billion, and it is going to be $400 billion, the largest in U.S. history. The national debt 10 years ago was one-fourth of what it is now, about $1 trillion. Now think about that. The first 200 years of our history, we acquire a $1 trillion debt. In the last 10 years it has gone up four times that. We are at $4 trillion now. We are spending ourselves into disaster.

□ 1220

Some people say that the interest on the national debt is 14.3 percent, but most people believe it is around 18 percent right now, and that means that 18 cents out of every tax dollar goes just to pay interest on the money we are borrowing to pay the bills this Government incurs.

Today this amendment I am talking about is going to cost $48 million, and it is pure pork. I realize that I am attacking a project that the chairman of the Appropriations Committee and the other body are sponsoring, and I am probably never ever going to be able to get anything done for my State, but this is to important to be concerned about that.

We are $400 billion in debt this year. One-tenth of all the debt that this country has is being added this year, and yet we go on, hellbent for leather, spending this money.

In this bill we have a ton of pork barrel projects, and I am going to have other amendments to cut them out. The fact of the matter is that I know as I stand here, I say to my colleagues, that I do not have a chance of a snowball in Hades of getting any of these amendments passed, and that is why I get so frustrated. Members know it is pork, and I know it is pork, but nobody is doing anything about it. The reason that happens is that so many of us in this body, and in the other body, continue to ask for special pork barrel projects. One subcommittee of the Appropriations Committee in this body had 385 Members ask for over 3,000 special projects. Where is it going to end?

As I said before, I know that I am now jousting with windmills, and I know I am just a voice in the wilder-

ness here, but I am telling the Members that we had better do something about it. We are mortgaging the future of our kids, and we are headed for financial disaster at some point in the future. I do not know where that is, but it is going to happen. We cannot continue to spend $300 billion, $400 billion, or $500 billion more per year than we take in and incur the kind of debt we have, a $4 trillion national debt, without some kind of disaster occurring in the future. And we are all going to be responsible.

So I would just like to say to my colleagues that this amendment is a worthy amendment. I hope Members will vote for it and cut this $48 million out of this bill. If they do, it will be a step forward and a signal that we mean business around this place.

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

Mr. Speaker, I will not consume much time on this, but let me say this: If we set aside where the building is to be built, the question is, Do we need this project? Does the country need the AFIS project, the automated fingerprint identification system? That is what we are talking about.

The answer is that the country does need it. Law enforcement agencies in every community and State in the Nation depend upon the FBI for the identification of fingerprints. They are using an antiquated system that is causing untold delays in the identification of criminals and the bringing to justice of criminals.

This project is supported very, very enthusiastically by the Director of the FBI, and it is supported by those of us who want a modern system that will give the local police agencies, the local sheriffs, the local State police, and so forth, instant abilities, or almost instant abilities, to identify criminals through the automated fingerprint system that is represented in this project we are talking about.

It is to be built in West Virginia. I think we have to realize the reality of why. We need this project. It does not matter really where it is built, I am told, electronically, because the program can be run from anywhere in the country. But the bottom line is that the country and law enforcement people need the automated fingerprint identification system. That is what is involved here. Where it is built is something we can debate, but the fact that it needs to be built cannot be debated.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman for yielding time to me, and I appreciate the opportunity to speak on this issue.

I heard the gentleman from Indiana [Mr. BURTON] yesterday make arguments accusing Members across the body of the House of what he described as something parochial; he even went so far as to call them pork barrel projects. I refrained from speaking on the floor at that time because I thought other Members of the body spoke very eloquently to those points, particularly the honorable gentleman from Michigan who, I thought, did an excellent job in response to the concerns the gentleman from Indiana raised. His point, I think, was that with regard to these projects, Members of this Congress know their constituents, understand the needs of their areas better than anyone else, and know that their constituencies have specific concerns that need to be addressed specifically. They know that each one of these earmarks, whether the appropriations were for public service or for infrastructure or domestic investments in our local communities, address concerns that we understand better than anyone.

I understand that the gentleman today is again raising that subject with regard to $48 million for funding to help facilitate the FBI's need, a desperate and crying need, and that is to get modernized, to get prepared to continue leadership in fighting a war on crime in this very important area, the area of identification.

I would simply say that I did not think the gentleman's arguments yesterday were convincing with regard to what he described as pork or parochial projects, but this project does not even fall within that category. As he makes the argument today, to the extent he is making it and suggesting that it is a pork project, it is not even relevant. This money goes to help develop the identification system; to help modernize that system. There is, by anyone's account, a crying need to do that, to modernize the FBI's identification system. I think the gentleman from Indiana, if he agrees with me and understands that, would have to acknowledge that the FBI needs to be modernized.

If we are going to be effective in dealing with what is an increasingly sophisticated crime element in this country, our agencies need to be as sophisticated. They need to be ahead of that curve technologically. That is what this identification facility does.

This money that he speaks of today is money that will further the technology. It is not bricks and mortar money; it is money to further the system and the technology. I do not know of an expert in the field who does not believe and does not testify to the fact that the FBI needs to modernize with regard to identification.

So I simply hope that speaks to the concerns of the gentleman. First of all, this is not a pork project at all, and, second, this money goes to a crying need. If we are going to fight crime effectively in this country, we need a modern identification system, and that is what the money the gentleman is speaking to is going for.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I am not questioning the need for the fingerprint facility. I am questioning the need for spending $185 million in addition to this equipment and the technology that is needed to conduct these fingerprint exercises.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. No. Let me finish, and I will yield in just a few seconds.

The fact of the matter is that when we build a facility, a government installation, we should do it in the most cost effective way possible.

We just had the Base Closure Commission say that we had to reevaluate a lot of our military bases around the country, and it pinched a lot of toes because a lot of these bases were closed. In fact, it pinched my toes a great deal in Indiana because they closed one of our most important bases, Fort Harrison. But the fact of the matter is that this Government should do things in a very businesslike, cost effective way, and to build a whole new facility in West Virginia that is going to cost $185 million when we do not have to do that, or at least not spend that much money, to me is waste and is a pork barrel project.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would like to respectfully point out that I do not agree with the gentleman's premise, that is, that we do not need it. We desperately need it.

Mr. BURTON of Indiana. Does the gentleman mean the building?

Mr. MOLLOHAN. Every expert would suggest that we definitely need this new capability which requires considerably more space and definitely a new modern identification system if we are going to get ahead of this crime curve.

So, first of all, I disagree with the premise of the gentleman about need.

□ 1230

Second, the gentleman talks about low-cost areas or low-cost ways of achieving that goal. I agree completely. We ought to be looking at the low-cost process to do that.

Now, this whole process tracks what business is doing. It is looking for low-cost service areas out there. Business is doing it, and it is a trend across this country. This tracks that process. It is evidently the low-cost way to achieve these ends.

Mr. Speaker, I just want to say when the gentleman from Indiana [Mr. BUR-

TON] says this, I hear the words. If they were correct, he might have an argument. They simply are not.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, let me just say that I believe, after getting some information from some of the staff people, there is a more cost effective way to do this. I believe we could save a lot of money if we did not spend $185 million for new infrastructure in West Virginia, in addition to the $48 million we are talking about here today. That is my concern.

We are not prioritizing the spending, doing things in the most productive way, because we are trying to get things for our own districts. It is not just West Virginia, it is all across the country.

As I said before, the very fine gentleman from West Virginia, the chairman of the Senate Appropriations Committee, has said very clearly he wants to steer 1 billion dollars worth of projects back to West Virginia, and he has the power and ability to do that, and I have no doubt that he will. I think over $510 million has already been earmarked for West Virginia. So things are on track.

What I am saying is we are heading toward financial disaster if we do not get control of our appetite for spending, and this is just one manifestation of the problem.

So I think Members ought to start fessing up to this problem and start voting these projects. Not because we are against West Virginia or California or any other State individually, but because collectively it is killing this country.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I would suggest to the gentleman from Indiana [Mr. BURTON], I understand his concern about Members' projects and the process by which some of these projects go. The thing is, the gentleman is taking on a project that every expert in the field agrees is desperately needed. I would suggest that the gentleman's suggestion that this is not the lowest cost way to proceed is in error. So if the gentleman is attacking it on a pork barrel basis, the need is obviously there, and I think the gentleman is misdirected on this one.

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

Mr. Speaker, again, let me just close what I have to say here with this: wherever you build this type of facility, the facility needs desperately to be built. Why? Because right now the FBI has in its files around 3,000 backlogged fingerprint cases that they do not have the manpower to ID for local sheriffs, local police forces, or local state police.

Part of this money would go to help them clean up that present backlog. Part would go toward research and development of the computers necessary to speed up the process of identifying fingerprint requests they get with the automated fingerprint ID system which is represented here.

Mr. Speaker, I am told that ideally, when a building is built and the program is put in place, local police departments would be able to electronically send to this facility the fingerprints that they wanted identified, and the fingerprint could be identified in a matter of minutes or perhaps hours, which now takes weeks in many cases. We are talking about the ability to efficiently put away crooks.

Mr. Speaker, I can debate as to where to put that facility. It can be put anywhere in the country. Electronically it does not matter, because the input and outgo is electronic.

In the bill it is going to West Virginia. I have no real problem with that, except I want the building. I want the facility. The country desperately needs this kind of facility somewhere.

I understand the concern of the gentleman from Indiana [Mr. BURTON] about the number of projects perhaps going to West Virginia. Some of us have some concern about that. But I am more concerned that we have the ability to quickly ID suspects in major criminal cases all over the country. That is important for the Nation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Pennsylvania.

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

Mr. Speaker, I agree with the gentleman from Kentucky [Mr. ROGERS] that this facility is very badly needed and will enhance law enforcement. Surely there were some studies done about where the best location for this facility should be.

Mr. Speaker, can the gentleman from Kentucky [Mr. ROGERS] enlighten us as to what those studies indicated?

Mr. ROGERS. Mr. Speaker, reclaiming my time, I cannot myself at the moment off the top of the cuff give the gentleman any information about that. I am sure there is information available.

Mr. WALKER. If the gentleman will yield further, surely if we are going to ouild a $185 million facility, there were some investigations done as to whether or not there was infrastructure in place that would not have to be put in place, a lot of things like that, dealing with a high-technology facility like that.

Did all of the studies that we have coming back indicate that the very best place for this facility is in West Virginia?

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

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

Mr. SMITH of Iowa. Mr. Speaker, the FBI has a requirement that the facility be within a certain distance from the headquarters here in Washington. I do not remember the number of miles. They looked within that circle. The people within the FBI came up with the conclusion that the location in West Virginia was the best location. There was no other facility they could find.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I recollect it being slightly different from that. I recollect that what they felt was that it would be best at the headquarters facility. The very best location would be at the headquarters facility. But if you had to move out to a radius and so on, they would want it within a radius of headquarters.

In other words, if headquarters is a central location in all of this, beyond which a line cannot go, then the bottom line is that the very best place for it is at the headquarters directly at the center of the radius.

Mr. SMITH of Iowa. Mr. Speaker, as a matter of fact, they never considered the possibility to put it in headquarters here, because all they have down there now is a card system. They do not have room in the headquarters location for anything like this. With the communications capabilities we have today, the facility does not need to be in a downtown headquarters at all. The facility has to be close enough for employees to travel to the headquarters, but it does not need to be downtown.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the gentleman just described to me a system that indicated there was a radius around the headquarters that was important to them. If what the gentleman is now saying is true, they do not need the radius. There is some reason why headquarters becomes important to them. As I understand it, this is at the very edge of that radius and, therefore, probably without some kind of political influence, would not be the single most preferable site they came up with.

Mr. SMITH of Iowa. Mr. Speaker, the radius was whatever one could easily travel to within 4 hours. They wanted to be within 4 hours, but they did not have to be within 4 minutes.

Mr. ROGERS. Mr. Speaker, reclaiming my time, let me clarify this. I have checked back with the FBI. There is a 1-year backlog of fingerprint ID requests. They have on hand now in the neighborhood of 300,000 records we are dealing with here. So this is an urgent need. The Director of the FBI says he wants this project. It has met the criteria of the FBI, obviously, because the Director supports this item.

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

The SPEAKER pro tempore. (Mr. GLICKMAN). The question is on the mo-

tion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 162, not voting 19, as follows:

[Roll No. 290]

YEAS—252

Abercrombie
Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bennett
Bereuter
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (MI)
Combest
Cooper
Costello
Coughlin
Coyne
Cramer
Darden
de la Garza
DeFazio
Derrick
Dicks
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Gallegly
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hatcher
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Pelosi
Perkins
Pickett
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Regula
Richardson
Roe
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schumer
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spence
Spratt
Stark
Stenholm
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NAYS—162

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bellenson
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Carper
Chandler
Clay
Coble
Coleman (MO)
Collins (IL)
Condit
Conyers
Cox (CA)
Cox (IL)
Crane
Cunningham
Dannemeyer
Davis
DeLauro
DeLay
Dellums
Dickinson
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Ewing
Fields
Frank (MA)
Franks (CT)
Gallo
Geren
Gilchrest
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Guarini
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Henry
Herger
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kyl
LaRocco
Leach
Lewis (FL)
Lewis (GA)
Luken
Machtley
McCandless
McCrery
McEwen
McMillan (NC)
Meyers
Mfume
Miller (WA)
Molinari
Moody
Moorhead
Moran
Morella
Morrison
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pursell
Quillen
Ramstad
Ray
Reed
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rohrabacher
Roth
Roukema
Santorum
Savage
Saxton
Schaefer
Schroeder
Schulze
Sensenbrenner
Serrano
Sharp
Shays
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stallings
Stearns
Stokes
Studds
Stump
Swett
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Walker
Walsh
Washington
Waters
Weber
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOT VOTING—19

Berman
Dymally
Ford (MI)
Ford (TN)
Frost
Holloway
Hopkins
Kaptur
Lent
Michel
Mrazek
Nagle
Pease
Ridge
Rostenkowski
Sanders
Slaughter (NY)
Slaughter (VA)
Staggers

□ 1258

The Clerk announced the following pair:

On this vote:

Mr. Staggers for, with Mr. Nagel against.

Mrs. SCHROEDER, Mr. SOLOMON, Ms. MOLINARI, Messrs. CONYERS, LEWIS of Georgia, HAYES of Illinois, Mrs. COLLINS of Illinois and Mr. QUILLEN changed their vote from "yea" to "nay."

Mr. HALL of Texas, Mr. EDWARDS of Oklahoma, Mrs. COLLINS of Michigan, Mr. THOMAS of California, Ms. HORN, and Messrs. MARKEY, HOBSON, MARLENEE, HUTTO, and Mrs. KENNELLY changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, I rise to express that I inadvertently voted aye on the vote to recede and concur with Senate amendment No. 30, whereas I meant to vote no in support of the position of my colleague, the gentleman from Indiana, with regard to his opposition to the motion to recede and concur.

□ 1300

The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 32: Page 15, strike out all after line 17, down to and including "search" in line 19 and insert "$740,667,000 of which not to exceed $1,800,000 for research, and of which not to exceed $1,500,000 for an A & E Study for a Washington, D.C. area laboratory."

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows: In lieu of the sum "$740,667,000" proposed in said amendment, insert the following: "$716,653,000."

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 16, line 20, strike out "$947,041,000" and insert "$950,817,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 33, and concur therein with the amendment, as follows: In lieu of the amount proposed in said amendment, insert the following: "$938,241,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 16, line 23, after "expended" insert "; and of which $312,473,000 shall be available to the Border Patrol program unless a notification required by section 606 of this Act is processed and acknowledged by the Committee on Appropriations of the House of Representatives and the Senate".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following: "; and of which $312,473,00 shall be available to the Border Patrol program, unless a notification, as required under section 606 of this Act, is submitted to the Committee on Appropriations of the House of Representatives and the Senate".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 17, line 15, strike out "$1,637,299,000" and insert "$1,612,635,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein with an amendment, as follows: In lieu of the amount proposed in said amendment, insert the following "$1,598,920,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 42: Page 28, after line 17, insert:

SEC. 110. Notwithstanding 28 U.S.C. no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year 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 paragraph (a)(2) of section 1821, 28 United States: *Provided*, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89-5916, Richard Demarest, Petitioner v. James Manspeaker et al, on January 8, 1991.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 42, and concur therein 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 therof the following:

"(C) at the discretion of the Attorney General, the payment of awards for information or assistance 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.".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 31, line 14, strike out "$10,000,000" and insert "$13,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following "$13,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 51: Page 31, line 20, strike out all after "expended" down to and including "1993" in line 22 and insert " : *Provided further*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding sections 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: " , but that any fees received in excess of $13,500,000 shall not be available until fiscal year 1993: *Provided further*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding sections 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374)".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

Mr. LENT. Mr. Speaker, I rise in support of Chairman SMITH'S motion to recede and concur with the Senate provisions that maintain the current restrictions on the power of the Federal Trade Commission to conduct broad rulemakings on allegedly unfair advertising.

These restrictions were first enacted through the authorization process in the FTC Improvements Act of 1980. When that authorization expired 2 years later, and an authorization bill was not enacted, these provisions were instead added to the FTC's appropriation legislation to maintain the status quo.

It is important to point out that continuing the restrictions does not limit in any way the FTC's authority to pursue unfair or deceptive advertising practices in individual cases. The restriction only applies to broad trade regulation rulemakings. These were the areas where the regulatory excesses of the 1960's and 1970's occurred.

To summarily eliminate the existing legal protections against sweeping FTC actions is unwise and unfair to the advertising industry that has relied on the current law. I will be glad to work for resolution of this issue as our committee considers reauthorization legislation, but I strongly urge that we not change the legal ground rules governing our advertising industry on such a summary basis. We should therefore accept the Senates provisions maintaining the current restrictions on trade regulation rulemakings.

Mr. RITTER. Mr. Speaker, I rise to support Chairman SMITH's motion to concur with the continuation of the existing legal limitations on the Federal Trade Commission's rulemaking powers relating to alleged unfairness in advertising. This limited but important restraint on the FTC has been renewed regularly for almost 10 years since the last FTC reauthorization expired.

As the ranking member of the subcommittee with FTC jurisdiction in the Energy and Commerce Committee, I can readily understand the reluctance of some members to place this restrictive language on the FTC appropriations bill. And if we were operating here on the proverbial blank slate, I might agree. But in fact, the prohibition on so-called trade regulation rulemakings against allegedly unfair ads has been part of the legal landscape for the FTC since 1980. To delete it now would fundamentally alter the status quo without any prior deliberation.

It is important to point out that continuing the restrictions does not limit in any way the FTC's authority to pursue unfair or deceptive advertising practices in individual cases. The restriction only applies to broad trade regulation rulemakings. These were the areas where the regulatory excesses of the 1960's and 1970's occurred.

There are important issues here of constitutional protection for commercial speech, of the proper degree of Government intervention in the marketplace, and of the congressional oversight role. But these major questions should not be shoehorned into a decision on an essentially hold-in-place provision on the FTC's rulemaking powers. This is doubly true where, as of now, neither a House nor a Senate FTC authorization bill has yet been introduced.

Therefore I urge that we accept the Senate language maintaining the existing and reasonable restraints on FTC advertising rulemaking activities. We should do this without prejudice to a full and fair airing of the underlying constitutional and policy issues when the authorizing committee considers a reauthorizing bill.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 59: Page 34, after line 4, insert:

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $100,000,000, to remain available until expended: *Provided*, That none of the funds provided herein shall be available for obligation or expenditure in foreign shipyards.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 59, and concur therein 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 61: Page 34, line 13, after "8831;" insert "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements or memoranda of understanding;".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 61, and concur therein 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;".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 34, line 16, strike out "$542,000" and insert: "$600,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 63, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 35, after line 4, insert:

EMERGENCY WEATHER 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 an "Emergency Weather Satellite Contingency Fund," to remain available until expended: *Provided*, That these funds shall not be available for obligation until the President notifies the Appropriations Committees of the House of Representatives and Senate that an emergency requirement for these funds exists and the House and Senate vote to release these funds for emergency requirements.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 69, and concur therein 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 77: Page 38, line 17, strike out "$194,875,000" and insert "$203,814,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 77, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$207,160,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 78: Page 38, line 17, after "expended" insert ", of which $19,406,000 is 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".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 78, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to the motion, and I ask for 20 minutes of time to debate.

The SPEAKER pro tempore. Is the gentleman from Kentucky [Mr. ROGERS] opposed to this motion on amendment No. 78?

Mr. ROGERS. Mr. Speaker, I support the motion.

The SPEAKER pro tempore. The gentleman supports the motion.

The time will be divided three ways: The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes.

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

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

Mr. Speaker, there is in this bill $207 million for the International Trade Administration.

If we are going to be competitive in this country, we have to get into the field of advanced technology in a much bigger way than we have been.

We are now going to cut back on military spending. Everybody agrees with that.

Most of the R&D in this country has been done under military appropriations and under the Energy Department. Now, this appropriation is under the Commerce Department, but as we cut back on R&D in the Defense Department and in the Energy Department, we certainly do not want to cut back on R&D in the Commerce Department's International Trade Administration.

Among the things that they have been trying to do is to upgrade the advanced technology processes in the textile and apparel industry. We are falling behind in that industry, and so there is money in here to address that issue. It is in the bill. It is in the $207 million, and it is earmarked for that purpose.

Also, there is earmarked $3 million for a new materials center. That project was also done last year and the year before, and it has been a highly successful program. It needs another year of funding.

For example, our industries require magnets that are more powerful. They have developed, for example, under this program, a magnet that is more powerful than those developed anywhere else in the world. In the last 2 years they have been able to start selling it to 116 countries. This is the kind of thing we have to do, working on new materials and working on new processes so that smaller businesses can get into more efficient production and advanced technology.

What we are trying to do in this bill is to continue for another year these types of programs, but it is within the umbrella of the $207 million.

This motion earmarks the amount of money required for these three projects, and I am supportive of the motion, and I ask for an aye vote.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every time I hear one of the proponents of these appropriations bills talk about the issues that I am raising, they make it sound like I am un-American, that I do not care about new technology, that I do not care about how competitive we are in the world. So it makes me sound like I am un-American, because I am trying to cut out this pork.

The fact of the matter is what the chairman did not tell you was that this $3 million for a new materials center in Ames, IA, is in his district. It is in his district. I understand that he wants to do something for his district. That is a normal thing to do. We all want to do something for our district, and collectively that is the problem.

I have said this time and again: We had one Subcommittee of Appropriations that had 385 Members ask for 3,000 projects in 1 year, and I just ask my colleagues: where is it ever going to end? This amendment contains $3 million for the materials center in Ames, IA, $3.3 million grant to the Tailored Clothing Technology Corp., whatever that is, and $8 million grant for the National Textile Center, University Research Consortium.

□ 1310

I am sure that these are all laudable projects. But my question is, should the Federal Government be paying for these or should they be paid for by private corporations or should they be paid for by the cities or the States in which they are going to be built?

We have a terrible fiscal problem facing this Nation. The deficit this year is going to be $400 billion and we continue to have pork barrel, after pork barrel, after pork barrel come before this House and every single time it is un-American, it is trying to be uncompetitive for us to attack those projects.

Let me just say to my colleagues, Mr. Speaker, we have got to prioritize spending. The taxpayers of this Nation do not want any more deficits and they do not want their taxes raised. They raised taxes, the second largest tax increase in history last year, and the deficit is almost double, so that was not the answer, and yet some of my colleagues are saying we have got to raise the gas tax this year and we have got to raise other taxes. That is not the answer. The amount of tax revenues we brought into the Treasury in the last 10 years has doubled. We went from $500 billion in revenues to $1.1 trillion in revenues, and yet the deficit is out of control. How can you more than double the amount of money coming in and still increase the deficit? It is because we continue to buy into these pork barrel projects.

I know not many are paying attention to this, but I can tell you, when the financial catastrophe occurs because of our excessive spending, the people of this country are going to hold us accountable. The problem is that many of us will not be here any longer, because it is probably not going to happen tomorrow, but the kids in the future generations of this country are going to curse us because of the legacy we are leaving them, this mountain of debt, $4 trillion now, which is 400 percent of what it was 10 years ago.

Mr. Speaker, I would just like to say to my colleagues, in the quiet of our own offices and in our own homes, I wish every one of us would stop and look at the problem we are having fiscally in this Nation, and then I wish each and every one of us would start saying, is this absolutely essential that I go to the Appropriations Committee and get this pork barrel project for my district?

When you think about the overall problem it is creating when collectively we come up with all these thousands and thousands of special projects, something has to be done.

I have said time and time again that one answer would be the line item veto, but that is not likely to occur, so the only other thing that can occur is for us to get control of our appetite for spending.

I suggest to you that voting against this motion would be a step in the right direction.

Mr. SMITH of Iowa. I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I would just like to point out a couple of things to my friend, the gentleman from Indiana. The gentleman mentioned the textile business.

We passed three or four textile bills here in this Congress in the past 8 years. They have all been vetoed. The textile industry by this administration is considered expendable. We have lost thousands of jobs in the textile industry. People are modernizing in foreign countries. We are letting more exports come into this country. We forgave $7 billion to the Egyptians. Hey, no big deal, $7 billion. We forgave $2 billion in debts to countries in the periphery of our area before the fiscal year ending where they could borrow more money, where we can forgive it next year.

Mr. Speaker, the textile industry is in total disarray. We are having people competing with us in other countries in textiles, and in one specific place, the Chinese are absolutely killing us in textiles. And what are they doing it with? They are doing it with slave labor.

And what do we do? We say we will grant them most favored nation status where they can continue to do it.

What we need to do is to have these textile people doing the research where we can compete. If we are going to give our industry away, at least we need a level playing field.

Mr. Speaker, this is a good bill and this is a good proposal. I strongly support this committee's position.

I just want the gentleman from Indiana to realize that this is not pork barrel. This is something that is protecting jobs and helping to produce jobs in this great country of ours, and to call it pork barrel is totally ludicrous.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just respond to my colleague, the gentleman from North Carolina. I support the textile industry, and if you look at my voting record, in opposition to much of what the administration has suggested, I have voted with the gentleman and the textile industry, because I agree there is a problem there, and I do agree that the Chinese are using slave labor to produce textiles that are being sold in this country, and we have got to do something about that.

But I do not believe we are going to solve the problem of the Chinese slave labor, which is making textiles that we are buying, by passing this motion. You see, this motion is going to spend $14 million on these projects I just talked about.

I am not opposed to the textile industry. I voted with them much of the time, but the fact of the matter is that we are not going to solve the importation of slave labor products by coming up with this kind of motion.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, would the gentleman not agree that we need to do research? We have people going to these colleges. Does the gentleman not agree that we need to do research where we can compete with subsidized industries in other countries? We are absolutely being left naked because people are going offshore and to other countries that have been subsidized with high technology. Does the gentleman not realize that we need to do some R&D and everything that we can do to protect the textile industry? We will not do it in legislation.

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, the subsidized problem to which the gentleman alludes is being discussed at the GATT talks all around the world. I think the GATT round in South America is going on currently. They are trying to do something about these subsidies that are putting a lot of our industries in an uncompetitive situation, and I agree with the gentleman; but more pork barrel projects is not going to address the subsidy problem in France or Great Britain or the problem of slave labor making textiles in Communist China. Those are issues that we have to deal with through trade and through negotiations. These pork barrel projects go on forever, thousands of them.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, since we are talking about jobs, and I think it is an important issue to raise, it is interesting to note that this one piece of spending in this bill will take all the income of 450 American families, based upon average incomes from last year, so virtually every dime paid by 450 American families is going to be required in order to pay for this one little piece of the appropriations bill.

I would suggest that those 450 families, who if they are having all their money spent by us are out of a job, probably would select differently than doing this particular project.

I think the gentleman needs to be listened to on this. It is us that kills jobs. It is policies that we make in this body that kills jobs, and this is the kind of thing that ends up killing jobs for American families.

In this case, this piece of spending is going to kill the entire livelihood of 450 American families.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the gentleman's remarks.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Of course, I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I would like to have—I do not have that information; I would like to have the source of the information of the jobs it is going to take. Could the gentleman supply me with the source of his information about the specific number of jobs that this is going to take?

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the average income of American families last year was about $35,000. That is simply an extrapolation of that $35,000 out to the $14 million involved in this particular bill.

In other words, it takes all the income of all those American families in order to support this one project, not just their tax income, all their income. If they are not earning their incomes, they are therefor out of jobs, I would say to the gentleman, and that is the point that I am making.

Mr. HEFNER. Well, Mr. Speaker, if the gentleman will yield further, that is a little sophisticated for me.

Has the gentleman really looked further to see how this $7 billion we forgave to Egypt, how many jobs would that create in this country?

Mr. WALKER. This gentleman voted against that.

Mr. HEFNER. And the $2 billion we just forgave on the loans in Latin American countries just recently, where we could get under the fiscal year where they could borrow some more money.

Mr. Speaker, I thank the gentleman for yielding to me. He is a gentleman. He just happens to be wrong, Mr. Speaker.

Mr. BURTON of Indiana. Well, I appreciate the gentleman's attitude, but I think if you talk to the taxpayers of America all across the country and ask them how they feel about these thousands and thousands of social projects in each congressional district, they would probably define them as I do for the most part: Pork barrel; and they are tired of pork. They are tired of their money being wasted and they are tired of having their taxes increased year in and year out to try to pay for these horrible projects, much of them horrible.

□ 1320

Some of them are laudable. I do not take issue with every one of them. But the fact of the matter is we have a pork-laden Congress. This is the palace of pork, anymore, the palace of pork. I give credit for that phrase to my colleague from Pennsylvania, the palace of pork. Until we get control of our appetite for spending, these deficits are going to go up and we are going to be demanding, on that side of the aisle, more taxes to be extrapolated or extricated from the American people. They do not want any more taxes. They are taxed to death already and are tired of all this wasteful spending.

So I say to my colleagues opposing this motion would be a good first step. I urge you to oppose it.

The SPEAKER pro tempore (Mr. GLICKMAN). Are there any further requests for time on this motion?

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina.

Mr. PRICE. Mr. Speaker, the opponents of this amendment need to get straight on the distinction between special interests and the national interest. Let me talk about the national interest. The national interest: Nine out of the top companies in the textile-apparel industry have recently undergone a financial restructuring. The national interest: Four major research laboratories have been closed in recent years. The United States has lost control of technology; most production equipment is now imported.

The Europeans and the Japanese have launched major textile R&D efforts. Environmental pressures demand cleaner production processes.

The national interest is at stake. This has nothing to do with pork-barrel politics or with special interests.

The U.S. textile industry has good opportunity. It has the home-market advantage. It has technological and design capabilities to manufacture for intended use. Before these advantages can help us, though, to leap over today's market frontrunners, we must develop a fundamental science, engineering, and technology base upon which all of the industry's components can be restructured.

Competing nations have already established research syndicates to pursue textile manufacturing science and engineering, and it is clearly time for our country to seize the opportunity and invest in research as it has previously done in support of other industries.

Four universities in this country—North Carolina State, Clemson, Auburn, and Georgia Tech—do 90 percent of our academic textile research. We said to those universities, "We don't want to come in for just one university, just one program. We want you to cooperate, we want you to form a consortium." And that is exactly what they have done. It is precisely the opposite of a pork-barrel or special-interest approach.

These universities have already made a major investment, and none of this money is going for bricks and mortar on their campuses. Industry has also made a major investment. But it is vital that we provide this modest appropriation to bring all of this together, to upgrade our research effort, and to apply it to the needs of industry in a comprehensive and coordinated way.

The question, as my colleague from North Carolina [Mr. HEFNER] earlier put it, really comes down to this: Are we willing to abandon this industry?

Are we willing to give up the fight in textiles? Or are we willing to make this modest investment to regain and retain our competitiveness? This research program is vital to the national interest, and I urge its support.

The SPEAKER pro tempore. Are there further requests for time on this motion?

Mr. BURTON of Indiana. Mr. Speaker, I would like to close if I may.

Mr. Speaker, nobody wants to see the textile industry decimated. We certainly support that. My voting record will show that I supported the textile industry in this country.

I am very concerned about slave labor products coming in and subsidized products coming in, to the detriment of American workers. The fact of the matter is that these are three projects I think most people would consider to be pork-barrel projects.

Private industry is investing in research, and they are constantly studying the textile industry to make better textiles. I do not think it is a function of the Federal Government to continue putting money into such things as $3 billion for a new materials center in Ames, IA, the chairman's district, a $3.3 million grant to the Tailored Clothing Technology Corp., or $8 million for the National Textile Center University Consortium.

So I would urge my colleagues to think about this, think about the overall problem of pork and to vote against this motion.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

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

Mr. Speaker, I arrived late on the scene during this debate, and I probably missed some of the more important elements. But it does deal with a program in which I am vitally interested and which I have tried to restructure the focus in my own Committee on Science, Space, and Technology to encourage the kind of development represented by the program being funded here.

This is admittedly an area of policy in which we are still engaged in setting the boundaries for. But I think it is safe to say that this administration as a whole and our committee and, obviously, the Committee on Appropriations and the subcommittee chaired by the distinguished gentleman from Iowa, are all moving together here in support of a program in which we are asking industry to lead us in a cooperative effort with the Government toward becoming more competitive in global markets.

This is the goal that we seek. There are ways, of course, of dealing with the Chinese slave labor problem that would be different from this. We could restrict imports from China, of course. In many cases we may be justified in doing this.

But in the long run this country will only prosper when we devise mechanisms in which we can, in cooperation with private industry, Government, and universities, develop the most efficient and competitive industry in the world. This is my goal. I think this is the goal of the Bush administration. I think we should all be supporting it.

Now, we may wander occasionally from the path of purity. The Committee on Appropriations may step in with a proposal which has not been, we would say, thoroughly explored in the authorizing committee. We will resolve that problem in due course.

Mr. Speaker, I share some of the concerns that have been expressed here about earmarking and that sort of thing. But in the absence of appropriate action by other committees, I think it is inevitable that the appropriations committees will have to move in this direction on occasion. And I am thoroughly in support of the programs that are being funded here which we are discussing, and I hope that all of the Members of the House will support them.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. If there are no further requests for debate, all time is yielded back.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

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

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 300, nays 111, not voting 22, as follows:

[Roll No. 291]

YEAS—300

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Frank (MA)
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roe
Rogers
Rose
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (OR)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—111

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Barrett
Barton
Bennett
Bilirakis
Bliley
Boehner
Bunning
Burton
Camp
Campbell (CA)
Carper
Chandler
Combest
Condit
Cox (CA)

Crane	Ireland	Porter
Dannemeyer	Jacobs	Ramstad
DeLay	James	Rhodes
Dingell	Johnson (TX)	Ridge
Doolittle	Kasich	Roemer
Dornan (CA)	Klug	Rohrabacher
Dreier	Kyl	Ros-Lehtinen
Duncan	Lagomarsino	Roth
Edwards (OK)	Lewis (FL)	Santorum
Ewing	Luken	Saxton
Fawell	Machtley	Schaefer
Fields	Marlenee	Sensenbrenner
Franks (CT)	McCandless	Sharp
Gallegly	McCollum	Shaw
Gallo	Meyers	Shays
Gilchrest	Mfume	Shuster
Gillmor	Miller (OH)	Smith (NJ)
Goodling	Miller (WA)	Smith (TX)
Goss	Moorhead	Solomon
Gradison	Morella	Stearns
Gunderson	Morrison	Stump
Hammerschmidt	Murphy	Thomas (WY)
Hancock	Nichols	Upton
Hansen	Orton	Vander Jagt
Hastert	Oxley	Walker
Hefley	Packard	Walsh
Herger	Pallone	Weldon
Hobson	Paxon	Wylie
Hyde	Penny	Zeliff
Inhofe	Petri	Zimmer

NOT VOTING—22

Berman	Holloway	Rostenkowski
Boxer	Hopkins	Sanders
Dwyer	Kaptur	Slaughter (NY)
Dymally	Levine (CA)	Slaughter (VA)
Edwards (TX)	Mrazek	Staggers
Ford (MI)	Nagle	Tauzin
Ford (TN)	Pease	
Frost	Roberts	

□ 1345

Messrs. MCHUGH, HALL of Texas, OWENS of Utah, and HUTTO changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2632

Mrs. MINK. Mr. Speaker, I ask unanimous consent that I be allowed to withdraw my name as a cosponsor of the bill, H.R. 2632.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 40, line 16, strike out "$40,880,000" and insert "$41,578,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 81, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$40,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 83: Page 40, line 18, strike out "$15,939,000" and insert "$16,257,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 83, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$15,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 89: Page 42, line 4, strike out "$4,318,000" and insert "$4,937,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 89, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 93: Page 43, after line 4, insert:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101-437, including costs for contracts, grants and administrative expenses, $4,000,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 93, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,000,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 96: Page 43, after line 8, insert:

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, $565,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 96, and concur therein with an amendment, as follows: In lieu of the sum "$565,000"' insert "$800,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 105: Page 49, line 25, strike out "$185,372,000" and insert "$177,386,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follow:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 105, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$190,621,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

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The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 106: Page 50, line 21, strike out "$82,830,000" and insert "$83,102,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 106, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$81,048,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 109: Page 51, line 14, strike out "$18,795,000" and insert "$21,626,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 109, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$17,795,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 111: Page 53, after line 14, insert:

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking our "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".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 111, and concur therein 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 Hamption" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hamption," 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 112: Page 54, line 3, strike out all after "law," down to and including "*Provided*," in line 4 and insert "$75,000,000, 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 $2,000,000 shall be available for payments to State maritime academies to acquire maritime training simulators: *Provided*, That not withstanding 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, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*,".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 112, and concur therein 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 notwithstandng 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*,".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 116: Page 56 line 6, strike out "$1,882,000" and insert "$1,911,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 116, and concur therein 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 the 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. CLAY. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLAY. Mr. Speaker, I raise a point of order against the amendment on the ground that the amendment is nongermane to Senate amendment numbered 116. The Senate amendment merely changed the dollar amount of the appropriation for the Commission on the Bicentennial of the Constitution. The amendment of the gentleman from Iowa proposes a change in existing law by extending the life of the Commission by 6 months.

Mr. Speaker, clearly this amendment is nongermane to the Senate amendment.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] wish to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Speaker, I concede the point of order.

The SPEAKER pro tempore. The point of order is sustained. Does the gentleman from Iowa [Mr. SMITH] have a substitute motion?

SUBSTITUTE MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I insist on the disagreement.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House disagree to the amendment of the Senate numbered 116.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 121: Page 57, after line 21, insert:

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 $297,860,000 is for basic field programs, $7,877,000 is for Native American programs, $10,879,000 is for migrant programs, $490,000 is for special emergency funds, $1,234,000 is for law school clinics, $1,121,000 is for supplemental field programs, $700,000 is for regional training centers, $8,109,000 is for national support, $9,298,000 is for State support, $970,000 is for the Clearinghouse, $573,000 is for computer assisted legal research regional centers, $9,810,000 is for Corporation management and administration, $981,000 is for board initiatives, and $98,000 is for special contingency funds.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 121, and concur therein 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 122: Page 58, line 4, strike out all after "expenses," down to and including "amended" in line 7 and insert "$209,731,000, of which $3,100,000 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 Hampshire Department of Resources and Economic Development of which $1,000,000 shall be made available for a grant to the New York City Public Library for a new Science, Industry and Business Library, and 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 size manufacturers located in rural areas".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 122, and concur therein 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 made 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 Hampshire Department of Resources and 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 made 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 made 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 made available for a grant to the Massachusetts Biotechnology Research Institute to establish and operate a share incubator facility and a science and business center; of which $1,500,000 shall be available for a grant to the 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 business; 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; and of which $500,000 shall be available for a demonstration program to assist small businesses in complying with the Clean Air Act".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to this motion, and I ask for the 20 minutes of time.

The SPEAKER pro tempore. Is the gentleman from Kentucky [Mr. ROGERS] opposed to the motion?

Mr. ROGERS. Mr. Speaker, I am in favor of the motion.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I would like to apologize to Members for this lengthy debate today on these what I call pork-barrel projects. I know a lot of Members have to catch planes and get back to their districts. I will try to make this as brief as possible.

Mr. Speaker, the premise of my arguments today is that everybody has a special project that is important to their district, but they are all pork-barrel projects in one way or another. Collectively, they are killing this country.

This year the deficit is going to be $400 billion, double what we aniticipated, and the national debt that we have in this country is four times what it was just 10 years ago. It took us 200 years to get to $1 trillion in debt, and we are $4 trillion in debt 10 years later. The legacy we are leaving our children and our grandchildren and our posterity is unbelievably bad. The interest alone on the national debt by many estimates is as much as 18 cents out of every tax dollar, or 18 percent.

Mr. Speaker, this amendment, amendment No. 122, contains truckloads of pork-barrel projects under the title of Economic Development.

Mr. Speaker, let me just name a few of the really bad ones. Four million dollars for the St. Norbert College in DePere, WI, for a regional center for rural economic development; $1 million for the New York City Public Library for equipment, supplies, and materials for the new Science, Industry, and Business Library; $340,000 for the city of San Francisco to open an international trade office; $375,000 to Rio Arriba County in New Mexico for cultural enhancement and economic development. I am sorry to pick on New Mexico, but there is another $550,000 for development of the Cumbres and Toltec Scenic Railroad Rural Economic Development Project.

Mr. Speaker, these projects I am sure are important to the Members in question and they are important to the people in their districts. But, as I said before, these projects for the most part ought to be paid for by the local communities and the States.

Mr. Speaker, it is not the function of the people of Indiana or California to pay for a bicyle path in Michigan. If they want a bicycle path in Michigan, for instance, the people of Michigan ought to pay for it. I have no problem with the path; I have a problem with the pork that is being put in these appropriation bills that is killing the economic future of this country.

So I would just like to say to Members, as I have said many times today in this House well, that this is a good first step. I hope Members will vote against this motion and vote against this pork, because I think the people of this country want that.

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

Mr. Speaker, to start with, there is no bicycle path for Michigan in this amendment. We looked over the requests for special projects and we turned down several. We believe that every one of these projects has direct Federal purpose.

Mr. Speaker, I think that these are good programs, I think they are justified, and I ask for an aye vote.

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

Mr. Speaker, I rise in support of the motion. Mr. Speaker, as the chairman has said, we had many more requests than we were able to fulfill for projects. We tried to be careful in picking the projects that had a Federal connection and were related to the Small Business Administration. These projects represent business development, many of them in rural and depressed areas of the country. They are projects which will transfer emerging technologies to small businesses, which we all know is the foundation of the American free-enterprise system.

Mr. Speaker, these projects represent a holding of hands with industry and the Government to commercialize and market new products, new services. These projects have local and State funding support. These are projects where the local and State people have put money into the projects, though they are matching funds.

Mr. Speaker, these projects will economically benefit the local regions and provide national benefits. They will represent the transfer of technology by and large to the new and emerging industries.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. MYERS], the ranking Republican on the Subcommittee on Energy and Water.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman from Kentucky [Mr. ROGERS], first for yielding to me, and the gentleman from Iowa [Mr. SMITH], our good friends who first put these provisions in this bill, and second for notifying me a moment ago that this motion was going to be made. I appreciate being told that this was going to happen.

Mr. Speaker, I cannot speak for all of the programs and projects that are in this particular section, in the bill provision. I can only speak about one.

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Every day we learn of some other industry in the United States that no longer can be competitive with the rest of the world. We find another industry closed and we constantly see more and more foreign products on the shelves of our stores.

We see more and more foreign products coming in to be used by industry in the United States because they cannot buy it United States made. We examine why this is true, and we find that technology and research is continuing in the United States almost at a level to be competitive with the rest of the world.

We also find that too often what has been developed in the United States has been taken by another country and used. We ask why. Why cannot American industry, American business be competitive with the rest of the world?

Years ago we were. There was no competition. We were the world leader. Something has happened. It is not the fault of technology and research, and sometimes it is American industry.

We have lost the hungry spirit that we once had. But we find that technology, while it is being developed in the United States, the research is being done, industry and business never hears about it. Never gets it.

The one program that I can speak about here is 1½ million for a Center of Interdisciplinary Research at Indiana State University. It is being done there now in an old, antiquated building, very crowded, where all the research and science is being done in one building at Indiana State. Some of that work is being done today there. But it is crowded, very crowded. The building is 30 years old, never built for this purpose.

But the great Midwest, often called the Rust Belt of the United States, is rusting even further because industry is not hearing about it.

Indiana State is trying to do something about it, picking up the tech-

nology, the research that is being done in our great universities throughout the United States, the research that is being done and the technology being developed by private industry. First collecting it, then disseminating it, putting it out in the hands of the users so we can regain that competitive spirit and we can rehire people in the United States.

In real life, when I used to work for a living, I was a farmer and a businessman. I still am. I know in farming particularly we do not make money some years, quite often, but that does not mean that I quit using fertilizer, that I do not continue to examine new technology in farming and new equipment, if I can, to be more competitive.

In the banking business that I still have some interest in, we have had to put computers in, sophisticated equipment since I came to Congress. I do not even understand it. But banks are under fire today. But we aim to be competitive because we have modernized.

That is what this is all about, the project at Indiana State University that, I am sorry to say, my colleague from Indiana would like to knock out.

This particular project is 1½ million for the development for first planning and engineering, not construction, the program itself. The building would cost $40 million. Almost all of it would be raised locally through business and private industry.

This is merely to kick if off. It is going to be more than matched by local government and by the Indiana State University.

My friends, we just cannot call every project that has a few dollars in it that it is pork barrel because it is an investment in our future. Have we not slipped far enough behind already? Do we want to continue to slip further and further back because we say, yes, we do have a tight budget?

Certainly, I think I will not back down to anyone when it comes to trying to hold the line on spending. But that does not mean that we have to close the door entirely. We have to be more competitive, and this is one of the ways we can, by making an investment in technology, development and making sure that industry and jobs and what creates jobs, businesses that create jobs, learn about the technology and research that is being developed. That is what this is all about.

For goodness sake, vote for the motion with our committee and vote no on the attempt to strike it down, an investment in our future.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I am sure when my colleagues listen to the collective statements that have been made all day today, they will realize that every single Congressman who has come to this well in support of his project believes that that project is one of the most important things that we have to deal with around here. I do not take issue with that.

The problem is collectively all of these pork barrel projects add up to a tremendous drain on the Federal Treasury and help exacerbate the deficit that we have.

My good colleague, the previous speaker, indicated that without a lot of this money going to these projects, the technology that we have would not have advanced and that we have got to have the Government doing it. The fact of the matter is, Government cannot do all of these things. The private sector is going to have to do a lot of it.

I do not know how Edison invented the light bulb without governmental help. I do not know how the Wright Brothers got off the ground without some kind of governmental help and governmental subsidy, but they did.

I submit to my colleagues that the free enterprise system will be able to do very well with new technological advances without an awful lot of help from the Federal Government. We cannot give money to a lot of these projects without first taking it from the American people.

That is one of the things that all of us have to start realizing. Somebody pays for these projects, and the people who pay for them are the American people.

They either pay for it with more taxes or they pay for it with higher interest rates or higher inflation because we run these huge deficits.

That is the fact. Those are the facts of life. I would just like to say to my colleagues that I am not attacking any individual Congressman. I am not attacking any individual project.

I am saying we have an institutional problem that has made this the pork barrel castle of America, and we have got to do something about it.

Listen to these figures one more time, and then I am going to sit down for the day. We have a $4 trillion national debt. That is four times what it was 10 years ago. It has gone up 400 percent in 10 years. It took 200 years to get that $1 trillion debt. Now it is $4 trillion.

The deficit this year, even though we raised taxes by $137 billion last year, is going to be $400 billion this one year. One-tenth of the total national debt is going to be accumulated this year.

I would just like to say to my colleagues, for goodness sakes, when are we going to come to grips with this deficit and when are we going to realize that each and every one of us is responsible for cutting this spending?

When one subcommittee has 3,000 requests from 385 Congressmen for special projects, that ought to tell us that it is out of control. We have to acquiesce to what the Committee on Appropriations wants, if we are to get anything done. I would just like to say this is a good first step.

I hope my colleagues will vote against this motion. We need to start sending a signal that we are not going to go along with all these pork-barrel projects.

Mr. KANJORSKI. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Speaker, the gentleman from Indiana [Mr. BURTON], my good friend, made a very interesting observation that from 1980 to 1990 the national debt of the United States went up 400 percent from 1 trillion to 4 trillion. May I inquire, since I was not a Member of Congress in 1980, who occupied the Presidency of the United States from 1980 to 1990?

Mr. BURTON of Indiana. Mr. Speaker, that is a very good question. I am glad the gentleman asked it.

It needs a little bit of elaboration. The fact of the matter is, I am 53 years old and in my lifetime, since 1938, the Republican Party has had control of this House 4 years. The other 49 years and every year since 1954, the appropriations process, all appropriations bills, all spending and tax bills that originate in this body have been done by the Democrat leadership. That is a fact.

The President of the United States in 1980 and the early 1980's cut the top tax rate from 70 percent to 28 percent. The Democrats say that is the reason for the deficit.

The fact of the matter is in the early 1980's we were taking in $500 billion in tax revenues and now we are taking in 1.1 trillion, more than double.

The problem is not that we are not bringing in tax revenues, we have more than doubled the tax revenues in the last 10 years.

The problem is we have an insatiable appetite for spending in this body and that insatiable appetite is directly laid at the feet of the majority party.

What I am talking about today are pork barrel projects and not this overall problem.

Mr. KANJORSKI. Mr. Speaker, if the gentleman will continue to yield, he failed to tell me that his party occupied the Presidency 2 out of 3 years since 1952, and I am sure he probably was not aware of that fact, and that the Presidency of the United States since 1980 has been in his party.

Is he aware of the fact that when Reaganomics passed, it passed this House by 259 votes and 176 Democrats voted against it?

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, the fact of the matter is the gentleman well knows that the executive branch of Government, the administration does not appropriate the money. They do not tax the American people.

The administration can only veto what this and the other body does.

□ 1410

If the gentleman would simply look at the facts, he would know that the spending all originates in this body, and the taxes originate in this and the other body, and the administration can only veto what they do. And the pork that is sent up there is usually sent up in a continuing resolution with a lot of other things that the administration has to have, and either the administration takes the garbage along with the good stuff, or they do not get anything. And that has been the problem for the past 40 or 46 years.

I would just like to say, getting back to the pork barrel projects, if we do not get control of spending we are going to leave a terrible legacy to the future generations of this country, because it is going to be economic chaos.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time and rise in support of the conference report and the amendments.

I thank the gentleman from Kentucky [Mr. ROGERS], the ranking member and the gentleman from Iowa [Mr. SMITH] for their consideration of the interests of the Commission on Security and Cooperation in Europe and the efforts that have been made. They have been tremendously helpful as we seek freedom in Eastern Europe and the Soviet Republics.

The SPEAKER pro tempore (Mr. GLICKMAN). If there is no further discussion on the motion, all time has expired.

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

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 310, nays 106, not voting 17, as follows:

[Roll No. 292]

YEAS—310

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Callahan
Camp
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (OR)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NAYS—106

Allard
Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bellenson
Bennett
Bentley
Boehner
Broomfield
Burton
Byron
Campbell (CA)
Carper
Chandler
Coble
Coleman (MO)
Combest
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dingell
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gilchrest
Glickman
Gradison
Hamilton
Hancock
Hastert
Hefley
Herger
Hobson
Huckaby
Hunter
Hyde
Inhofe
Jacobs
Johnson (SD)
Johnson (TX)
Kasich
Kyl
Leach
Lent
Lewis (FL)
Lowery (CA)
Luken
McCandless
McCollum
McCrery
McEwen
Mfume
Miller (OH)
Miller (WA)
Moorhead
Murphy
Nichols
Orton
Oxley
Packard
Pallone
Pease
Penny
Peterson (MN)
Porter
Ramstad
Rhodes
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Slattery
Smith (NJ)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Walker
Weldon
Wylie
Zimmer

NOT VOTING—17

Berman
Dymally
Ford (TN)
Frost
Holloway
Hopkins
Kaptur
Levine (CA)
McCurdy
Mrazek
Rose
Rostenkowski
Sanders
Slaughter (NY)
Slaughter (VA)
Staggers
Thomas (CA)

□ 1430

Messrs. ALLARD, RHODES, SUNDQUIST, McEWEN, and COLEMAN of Missouri changed their vote from "yea" to "nay."

Mr. JAMES and Mr. TAYLOR of Mississippi changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 128: Page 60, line 3, after "$4,819,000,000" insert ": *Provided further*, That, in addition, $1,800,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 128, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 135: Page 62, line 3, strike out all after "2674," down to and including "1991" in line 9 and insert "$2,007,246,000, of which $20,853,000 shall be 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".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 135, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 140: Page 63, strike out all after line 20, down to and including "U.S.S.R." in line 22 and insert "$430,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 140, and concur therein 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.".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Ms. SNOWE. Mr. Speaker, I am opposed to the motion.

The SPEAKER pro tempore. Does the gentleman from Kentucky oppose the motion?

Mr. ROGERS. I am opposed to the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

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

Mr. SMITH of Iowa. Mr. Speaker, I support what is in the conference report.

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

Mr. Speaker, when this bill passed the House on its way to conference with the Senate, the language and the money that was in the bill for the State Department for the Moscow Embassy contained money for the State Department and the administration to decide, to come back and tell us later which option they were going to pursue. Between that time and now when the conference report comes back to the House, the language now says that $100 million shall be used to construct a separate and secure chancery.

So, Mr. Speaker, all of a sudden we learn, most of us secondhand, that there will be a new and separate chancery building, separate from the building that was stopped because it was being bugged, separate from the building that was under construction; does not say anything about the office building that was being constructed and stopped, only that there will be a separate chancery building.

How big? How tall? How much secure space? Where is it going to be? What is going to be under it? What will happen to the building that is now under construction and was stopped? Are we to have Top Hat? No one knows.

There have been no hearings. There have been no briefings. The authorizing committee has not had a chance to review the proposal, whatever it may be, nor have I the ranking member on the Appropriations Subcommittee that funds the State Department and all the Embassy construction.

Perhaps we will find it is a great idea. When we learn more about it, perhaps we will learn it is a wonderful idea, but at this point in time the Congress is being kept in the dark about what we want in the Embassy in a very critical part of the world, something the U.S. Congress has been investigating now for 5 or 6 years and particular Members of this body. I mentioned the gentlewoman from Maine who will speak momentarily, who has been one of the chief spokespersons for trying to find the right answer in Moscow; does not know what the plans are. Perhaps some Members of the body do, but for the vast majority of the Members of this Congress, no one knows what this proposal entails.

I ask the Members watching on the floor or back in their offices on closed circuit television, do you know? Do you know what is proposed for the Embassy in Moscow? I say you do not. I do not know who does.

So for that reason, Mr. Speaker, I am opposed to this money until we know for sure what is being proposed to be built in the Moscow chancery and what will be done with the building that is now bugged, sitting unfinished, and what will happen to the present chancery, the old building that we are now occupying.

I ask, what are the plans?

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] have any requests for time?

Mr. SMITH of Iowa. No, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maine [Ms. SNOWE], who has been a chief spokesperson on this subject.

Ms. SNOWE. Mr. Speaker, first of all, I want to thank the gentleman for yielding this time to me, and also for his remarks and his long-term interest in this issue.

Mr. Speaker, I rise in opposition to the motion that has been made by the gentleman from Iowa and to the legislative provision that has been included in this appropriations bill concerning the U.S. Embassy in Moscow. Even as the collapse of the Soviet empire is fresh in our minds and a new empire is rising in that land, it is an empire built by and for our own State Department.

When the United States originally embarked on the construction of a new Embassy building in Moscow, it was to replace the dilapidated structure that served as our embassy since the 1950's. With the backroom deal contained in this conference report, however, the State Department will not have one, not two, but three Embassy buildings in Moscow.

□ 1440

Mr. Speaker, pork-barrel projects are bad enough, but pork-barrel projects overseas is just too much, and that is what this is all about. The conference report to accompany this bill envisions retaining the old Embassy building, that is one; retaining the bugged building that is not completed, that is two; and then constructing a whole new building for normal diplomatic uses, that is three.

So where did this proposal come from? Well, it did not come from the authorization legislation. This bill was neutral on the Moscow Embassy problem. There was a deep concern, however, that the lack of authorizing language would give free rein to the Committee on Appropriations to mandate whatever solution they preferred.

Yet the chairman of our Subcommittee on International Operations gave the following assurances on the floor when we debated this matter last spring, and I quote, "So it could be said in response to this amendment," where we had said the State Department would make the decision on tophat versus teardown and come back to Congress, and I quote the chairman, what he said in response to this amendment: "Hah, very cute, you just give discretion to the administration, and when the appropriators come up here, we know that the appropriators will put conditions on their appropriations bill." He went on to say, "I have spoken to the chairman of the Subcommittee on Appropriations, and he has assured me that he would hereby pledge to resist any effort to legislate what option the administration must pursue, either in the appropriations bill or in the conference committee." Despite these explicit assurances, the appropriators rushed headlong to fill that legislative vacuum with their own masterpiece.

I might add, as the gentleman from Kentucky said, there are only four individuals who basically made that decision: The chairman of the subcommittee here, his counterpart in the Senate, and the Deputy Secretary of the State Department, and Ambassador Strauss.

The proposal in this conference report was not in the authorization bill. It was not in the House-passed bill, not in the Senate appropriations bill. No Member of Congress ever voted for this proposal.

We have not had a chance to scrutinize this proposal, as the gentleman from Kentucky said. I have worked on this issue since 1985, 6 years, and yet did anybody bother to discuss the issue with me or the chairman of our subcommittee or the ranking member of the Subcommittee on Appropriations or other Members who have had a long-term interest, the members of the Committee on Intelligence, for example? No one has been involved in this proposal.

So what have they proposed? They proposed the same thing that was proposed by Dr. Schlesinger back in 1987, which was rejected by both the State Department professionals as well as the intelligence community. And the reason why the intelligence community rejected the proposal, not much of which I can discuss in open session, but suffice it to say they have very strong concerns about the inability under this proposal, this annex proposal, to protect the movement of personnel to and from that annex.

The Schlesinger proposal was awkward because it was based on the assumption that the Soviets would not allow us to tear down the unfinished, bugged building. Well, that is no longer the case today.

The Soviets will allow us to tear down that building. So this proposal is also put forward in the name of saving money. In fact, it will be a gross waste of taxpayers' money. It is estimated that this new annex will cost $200 million, and that assertion is made without any serious review of this proposal because no one has seen it. Formal cost estimates or engineering studies have not been conducted as they have in the teardown and rebuild process, for example.

It is a minimum figure, constructed of hope and desire, but it is certainly not based on fact. It does not even begin to include the other extraneous costs of the State Department's spread, in Moscow, the costs involved in completing the bugged building, because I am sure they have no intention of tearing it down, the unfinished structure. That has been completely compromised.

In addition to that, we are going to be spending $25 million to renovate the present Embassy, which is in addition to the $40 million that we have already spent on the present Embassy to upgrade it because we could not move into the unfinished building because it had been so completely bugged.

So what a bargain, one fully usable building for the price of three.

My colleagues, Congress has a well-earned reputation as a world-class waster of money, but this is a stunning performance even for Congress.

This proposal tries to insure that the American taxpayers will foot the entire bill by, in addition, eliminating the fact that the Senate language which would require the Soviets to pay, because it is striking out that language in the appropriations bill.

So it is particularly galling that the State Department is engaging in urban sprawl in Moscow when there will soon be a need for United States facilities in the Baltic republics and elsewhere for which, I might add, we are also including $30 million in this legislation. And that is just the beginning of what we are going to have to provide.

Some would say, well, now we have to have this annex because now the Soviet coup is a reason for supporting this proposal. I would strongly suggest the new situation calls for less space, not more space.

Mr. Speaker and Members of the House, I hope that my colleagues will listen and will oppose this motion because many of us have worked on it for a very long time and I frankly find it objectionable that four people made a decision about something that many of us have worked on for a very long time. And, in the final analysis, it is ill conceived, it is going to be expensive, it is expansionistic at a time that we cannot afford it. But the bottom line is it is not right.

So I hope my colleagues would join me in saving at least $200 million by opposing this motion so that we do not build this annex, because this is the beginning of a major endeavor that is going to probably cost nearer a half-billion dollars when all is said and done.

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

Mr. Speaker, to start with, let me defuse two things here, if I can. The first is hearings? There were hearings for years. The Schlesinger report, the Armstrong report, they both had hearings all over the Capitol; three committees on both sides of the Capitol were involved. There is nothing new about the administration's current proposal. It is just that it took a long time getting here.

Now, of course, there are some things that happened to cause some people to change their minds. Some people went over to Moscow right after the bugging of the NOB was disclosed and, shooting from the hip, said, "We have to tear that building down," before anybody analyzed the situation.

Some people have a hard time changing their views. But there have been a lot of changes since that time, there has been a lot of movement in Eastern Europe. In addition they had a fire in the old building. A number of things happened to change the administration's mind.

There is nothing new about this current proposal. It has been around for a long time. It is just that finally there has been a coalition to support it. The administration strongly supports this option. At the time the House appropriations bill was passed, earlier this year the administration had not made up its mind, so we provided flexibility in the bill. They have now made up their minds. They told me last week this is what they want to do. The Secretary of State has been over there, the new Ambassador has been over there. There is a new relationship with the U.S.S.R. They are trying to solve the problems that they had with the Moscow City Council, with the officials in the Russian Republic as well as the Soviet Union.

They want to get this matter behind them. I do not know why it is that everybody, it seems, except some on the Republican side, support the administration. Why is it only some Republicans do not support the administration? Why does everybody else trust the President and the Secretary of State except the Members of his own party in the House? Why should the Democrats be put in the position of supporting the Secretary of State and the President and saying, "We trust you"?

We only have taken away the flexibility that they asked us to take away. We know this is the option they want.

In addition to that, the Senate would not agree to a conference report that did not have something in it more definitive than what we had on the House side. Since this proposal is what the administration wants, they said they would agree to that. But they would not take the original House bill, they said. They did not want to leave that much flexibility. So this proposal is really the reasonable option.

Next, let's talk about money: Of course, we had to spend money to renovate the old building. There cannot be anything done about that. In addition, there was a bad fire recently.

□ 1450

This proposal would provide a completely secure smaller building for $220 million. We preserve all the options as to the use of the present building, and there are a lot of them. The Department cannot do anything with the partially finished building until they report back to the Congress with what the alternatives are.

What are the alternative uses for that building? We know they need some of that space for consular affairs. The bottom five floors they did find problems with and they cannot be used for secure purposes. The Department does not know how much space they need, but they must do something to move the activities that are presently in the old building. That is what they need to do.

In addition to that, some private companies, there may be seven or eight which are interested, have said they might be willing to rent some of the space and use it for commercial purposes. These are people doing business in the Soviet Union. There are also other uses. The Department needs additional housing for U.S. Government employees in Moscow. They will also need space to house construction workers who are building the new building.

Mr. Speaker, we are leaving all of those options and alternatives available. We say right in the joint statement of the managers in the conference report that the Department cannot proceed until they report to the Congress with alternative uses and then at that time a decision will be made.

So, I say to my colleagues that teardown is not even an option anymore. It is not even an option. We have been told that for 3 months, since the fire, it is not tearing down a building right on top of the basement area where people are working on secure matters. It is difficult enough to build a building, but it is a lot different tearing down a building.

Why can't we have a bipartisan foreign policy for a change. I ask, "How can you have a bipartisan foreign policy if the members of the President's political party don't support him?" Mr. Speaker, the Democrats are doing everything they can to try to cooperate with the President at this important time in the world. I ask, "Why is it that it's only Republicans that don't trust the President? And the Secretary of State who is spending 24 hours a day running all over the world? Why do the Democrats have to defend the President and the Secretary of State?"

I say, "Let's do the responsible thing. We've got a settlement of this longstanding issue now. Everybody agrees on the Senate side, I think. All three committees, as I understand it. The administration agrees on this solution. There's no disagreement on the House side except on the Republican side of the aisle in the Foreign Affairs Committees."

I say, "Let's do what we've got in this bill and proceed."

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, I appreciate the gentleman from Iowa [Mr. SMITH] yielding to me.

As the gentleman knows, and the chairman has done a terrific job on this, working for many years to put this together in cooperation with the Committee on Foreign Affairs—as the chairman knows, I spent 8 years on the Committee on Foreign Affairs on this subcommittee. The ranking member on that subcommittee was the gentlewoman from Maine [Ms. SNOWE], and she did a terrific job going with the then chairman, the gentleman from Illinois [Mr. MICHEL], when the first problems began to be discovered by the House with reference to that then new building. At that time, frankly, a lot of us were very discouraged because the administration then, the State Department and the foreign buildings office was responsible for this, had done a terrific job to assail us for having wasted this money. It was shooting the wrong target. If anybody is to blame for this, it is the lousy job by the State Department in putting this together. They did a lousy job in writing the contract, a lousy job in supervising the construction, and then when it was discovered that the building was bad and unusable for most purposes, a bad job in providing alternatives to us, and the gentleman in the well, the gentleman from Iowa [Mr. SMITH], was very patient and kind in providing to the State Department additional resources each year until they came to some conclusion.

Now that there is a conclusion, now that there has been finally some decision made by the administration, I think it is only our obligation to try and put this matter to rest by not perpetuating any further kind of indecision or doing anything legislatively which would prevent them from being able to do what they now decided they want to do, and I would urge all the Members to support the committee position on this. Let us get this behind us, notwithstanding that the gentlewoman from Maine [Ms. SNOWE] has really over the years been a driving force in attempting to get something done.

The point is now they have decided that they want something done, they know what it is, and, frankly, we cannot abandon it at this point.

Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, let me put a couple of figures before our colleagues so we do not get misled here.

The new proposal is estimated at $230 million. There is a hundred million in this conference report for that. In the House bill we had $130 million, but we took that $30 million out because the Department needs it for consulates and embassies in eastern Europe and the Baltics. That $30 million is needed there, and so we cut back the amount for Moscow $100 million.

The new building is estimated at $220 million and 60,000 square feet of secure space. We preserve the alternatives in the old building at 108,000 square feet of space. It will cost more money to tear down the partially completed building and rebuild it than this new option will cost. We get 60,000 feet of secure new space, plus having 108,000 in the other building for whatever alternative we decide on later at less cost than it costs to tear down the one building and rebuild it.

It does not make any sense just to satisfy yourself that you showed those people that you tore their building down.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I have been involved in this issue since before the subcommittee ever went out there, and I have listened to this debate for a long time, as we all have, but I think what the chairman of the subcommittee has just said, the gentleman from Iowa [Mr. SMITH], today is where we are now, is what we ought to do.

It was apparent to me. I made a report then only as an individual because

we did not have a committee with us at the time. But it seemed to me one of the sensible options is exactly what is proposed now that the State Department has finally agreed to do and the majority of the Congress seems to be willing to do. We ought to go on and do it.

We know that everything is bugged. I do not care whether it is an apartment house, or the Marine barracks, or the swimming pool, or whatever it is. The fact that that building is bugged should not be any surprise to anyone. One can be surprised if people did not think it was bugged, and the sensible thing for us to do not is, under the new relationship that we have, the opportunity we have now, is to build real secure space because we can build it ourselves and use the building there that exists for nonsensitive matters, and goodness knows there are plenty of those.

But aside from that, aside from that, it is enough. We have been at this thing almost 10 years now. We need to get this embassy built and allow our Government representatives to be there to do the job that they can do.

Therefore, Mr. Speaker, I think we ought to support the motion of the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I appreciate the statement of the gentleman from Florida [Mr. FASCELL], and in addition to that let me point this out: The new building will be secure from the foundation up. If we tore the partially completed building down to the foundation, it will still have the basement which may be bugged. What sense does that make; to tear down to the basement level? This new building will be totally secure from the bottom of the foundation to the top of the building, and that is what they need. This new building is 60,000 square feet of secure space instead of the 48,000 they had originally thought they needed.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. GILMAN. Would the new building that is proposed be less in size than the bugged building——

Mr. SMITH of Iowa. Yes.

Mr. GILMAN. That stands?

How much less space?

Mr. SMITH of Iowa. Sixty thousand of secure space compared to forty eight thousand of secure space.

Mr. GILMAN. That is about half the size of the bugged building.

Mr. SMITH of Iowa. Yes, but the bugged building is still going to be there, and we are going to use it for other purposes.

Mr. GILMAN. And yet we are going to be paying almost as much, about two-thirds the cost of the bugged building?

Mr. SMITH of Iowa. No, the gentleman from New York [Mr. GILMAN] is wrong. We get the 60,000 new completely secure space in addition to the 108,000 that is already there, whatever use we put to it, which is eventually 168,000 square feet for less money than it costs to tear down 108,000 and build it back up.

Mr. GILMAN. But would we not have to renovate the bugged building to make use of that space?

Mr. SMITH of Iowa. We do not know what to do yet. If the private companies do it, it could be their cost.

□ 1500

Mr. GILMAN. Mr. Speaker, it just does not seem to make sense to me to put up another building and then try to renovate the bugged building.

Mr. SMITH of Iowa. Mr. Speaker, that question is left completely separate. We know there are many uses for that other building, including the Consular Service. If you worked in that old building, you would want to get into another building.

Mr. GILMAN. Mr. Speaker, I might mention to the distinguished chairman, I have been there on a number of occasions and I have been an advocate of tearing down that darned thing and starting from scratch and building a new building. But I do not understand where this new concept of putting another building alongside the bugged building and costing almost as much as tearing down and starting from scratch and ending up with less space comes from.

Mr. SMITH of Iowa. Mr. Speaker, you do not end up with less space; you end up with 60,000 more feet of space.

Mr. GILMAN. Providing you renovate the bugged building.

Mr. SMITH of Iowa. We do not know yet what we are going to do with it. We know they need space for the Consular Service and other unclassified activities. We probably need at least three floors of that building.

Mr. GILMAN. The bugged building is far from completed. They stopped about three-quarters of the way through.

Mr. SMITH of Iowa. Mr. Speaker, the first five floors will probably be usable with a minimum amount of work.

Mr. GILMAN. Mr. Speaker, I would ask the gentleman from Iowa [Mr. SMITH], where did this concept come from?

Mr. SMITH of Iowa. This concept came from the Schlesinger report, from the Armstrong report, and from other agencies that looked it over. Some of the other agencies have changed their mind and have decided that this option is what they want.

Mr. GILMAN. There has been no hearing on this by any committee in either the Senate or the House?

Mr. SMITH of Iowa. There have been hearings for 5 years.

Mr. GILMAN. Mr. Speaker, I respectfully disagree with the gentleman from Iowa [Mr. SMITH], and would urge Members to oppose this measure. I think it just does not make sense to put money into another building, to renovate the existing building, and end up essentially with less space than we started with. I do not think that this makes sense.

Mr. SMITH of Iowa. Mr. Speaker, let me point out we never have in authorizations or in appropriations decided the shape of a building or the exact number of square feet. All we say in this conference report is that it is going to be a completely new, secure building. The details are left up to the administration. In no case, in no building in the world that we have built overseas, have we decided those details.

Mr. GILMAN. Mr. Speaker, I regret that we are taking the rabbit out of the House on this.

Mr. ROGERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the State Department over the years, first they said, "Let's tear down the building and start afresh." Then they tried to ram that through the Congress. We resisted. Then they said, "No, let's build an annex." That failed up here. Then we have had proposal after proposal by the State Department about what to do about the mess that they made in Moscow.

Now they are back with another proposal. It may be a good idea. The point I want to make is the authorizing committee has not considered this proposal, nor has any other committee of the Congress. No one knows what the proposal is.

We are told it is 60,000 square feet. Of what? A flat building? A building that is as tall as the present building? That is important, among other things.

We do not know what the reaction is of the people in this body who represent the taxpayers back home, and the taxpayers back home have a right to know what is in the proposal. Let us have a chance to chew on it and examine it and decide for our people's sake whether or not it is a wise expenditure of their tax dollars.

Mr. Speaker, under this proposal you are going to have assumedly a new annex. You are going to keep apparently the bugged building. That is going to cost a fortune to finish out and use for any usable purpose. Then you have got the old embassy building, where we are now occupied. You have got three buildings under this proposal, and no one knows what the cost of the total package is going to be.

Mr. Speaker, I suggest the cost is hundreds of millions of taxpayer dollars, and we do not know what is in this package.

Mr. Speaker, I yield 6 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the subcommittee.

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

Mr. Speaker, I think if my memory is right about my childhood rhymes it was Lewis Carroll in "Alice in Wonderland" who said, "It gets curiouser and curiouser." Certainly if one looks at the history of this issue, it gets curiouser and curiouser.

When we last considered this issue and last visited this issue on the floor of the House during the authorizing debate, I was on the side of the gentleman from Iowa [Mr. SMITH], the chairman of the subcommittee, and I opposed rather vigorously the gentlewoman from Maine [Ms. SNOWE]. Now today I am on the side that the gentlewoman from Maine [Ms. SNOWE] is taking, and I am opposed to what my chairman has been saying here today.

If anybody is trying to figure out who is on what team, and I think I am only reflective of many Members of this House, who is on that team, would certainly have some trouble figuring this all out.

The gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, is quite correct in saying we have got to get this done. We have got to get something built. We have got to get off the dime. The situation over there is intolerable after all these years.

Mr. Speaker, I would not go into my curriculum vitae as to how many years I have been involved with this. I think some Members have been involved with this before I was born. This issue has been around longer than that, it seems.

The chairman of the subcommittee asked rather plaintively here on the floor, why is it the Democrats have to support the State Department on this? Why is it that the division is over here on this side, and I do think there is some division on both sides on this.

I think the answer lies right in the kind of comment that was made during the consideration of our bill earlier this year, when there was a suggestion made by the chairman that we ought to cut some funds out of the Congressional Liaison Office of the Department of State.

That is why we have this problem. This thing is brought to us on a Monday, on the day before the conference committee votes, without any consideration of any of the other Members, without telling us what the heck this is about or how they arrived at it.

Mr. Speaker, I would point out the reason I supported the compromise language of the authorizing committee legislation was because it was neutral. It said, come back and tell us which will work best.

Certainly I contemplated, when we considered that, that they would come analyze all the different prospects, the different proposals, and say, "This one will cost this much, this one will take this long, and this one will cause this kind of disruption to the people that are over there now."

Instead, apparently Ambassador Strauss flew back this weekend. Secretary Eagleburger and Ambassador Strauss figured this thing out on the back of an envelope over the weekend and told the chairman of the two subcommittees, the House and the Senate subcommittees, and that was it.

Mr. Speaker, we do not know what the heck we are getting here. We have had hearings and hearings and studies, but there have been changed circumstances. There has been a fire that has made unusable much of the space that we have over there.

What we are talking about here says this: We are going to appropriate $545 million for acquisition and maintenance of buildings, of which $100 million is available for construction of an entirely, and I underscore the word entirely, new and secure chancery for the U.S. Embassy in Moscow.

Entirely new? I guess that means a new building. I think it does. Is it going to be next door? What are they going to do with the people working down in the garage? How much money? The gentleman from New York [Mr. GILMAN] was right on target. How much additional money are we going to be talking about for renovation of the half-built or two-thirds built building that we have got?

Mr. Speaker, I would say yes, Mr. Chairman, there are a lot of options as to what we can do with that. But we at least need to compare apples to apples. Let us not say that it is going to be cheaper to do this than it is to either do a top-hat or a teardown, when we have not compared the same kind of costs, because you just cannot leave that building there when it is finished in the hulk that it is, chopped out, with jackhammers having gone through it, taking pieces out of the building. We have got to do something with the building.

Mr. Speaker, I would say that we have a lot of unanswered questions. It seems to me the State Department does have an obligation to come back and say, "We have looked at these alternatives. Here are the options. Here are the pros and cons of each. Here are the costs of each. Here is the timetable of each. This is what we recommend."

I said when we considered the authorizing legislation that if they did that, I would support what they came back with. But we have got nothing that they have come back to us with.

Ms. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Maine.

Ms. SNOWE. Mr. Speaker, first of all I want to congratulate the gentleman on his statement. He summarizes a number of questions which we all have about this proposal that really have not been scrutinized.

I might add the so-called Schlesinger Annex was proposed back in 1987 and almost immediately rejected.

I might also add that if the State Department, and again I say if, because we do not really know what they are considering, if they are considering this Schlesinger Annex as it was proposed in 1987, it includes a cat walk across to the new bugged facility that is unfinished. So they are going to have to take extraordinary measures to neutralize that building if they are going to attach the annex to this totally compromised building. That is going to cost millions of dollars.

Mr. Speaker, I think the bottom line here is that they are proposing a far more expansive and expensive proposition than if you were to tear it down and rebuild.

□ 1510

What they are doing is also offering a proposal that came out of the dark of night.

I should tell my colleagues that the State Department has had three final conclusions on what they should do with Moscow this year.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

I am hesitant at this late hour when many Members are interested in getting home this evening and making airplane reservation connections. I come because so many Members seem to me confused about what we are doing here.

I think it deserves some clarification. It seems to me that many Members here are more concerned about turf, that their feathers have been ruffled, that they were not given the consideration or brought into the picture when the decision was made.

I have been over there a couple of times to visit that building, and it is in bad shape. A lot of mistakes have been made. Let us look at where we are today. We know that the present Embassy in Moscow is in an old building, a mortar frame, had numerous fires, has two elevators. One is a firetrap. We know most recently of a very tragic fire, fortunately without loss of life, but loss of a lot of property.

We do know that we have to get out of that one as soon as possible. What we have is a building built with a lot of mistakes, as I recall, seven stories high.

When I say roughed in, brick and mortar is there. The openings for windows, the openings for doors are there. We know that it is bugged. There is no question that it is bugged. It could not be used for classified activities as an Embassy, but all of us have visited embassies over the world. Have we seen one that is large enough? The day they are built they are never large enough for the activities of a growing Nation of people who are doing commerce around the world. The business that

must be done in an embassy just cannot be done in a small facility. So we have got that building, as I recall, roughly $25 million invested in it.

It could not be built today for 4 times that.

The gentleman from New York [Mr. GILMAN] asked what we are going to get. We have that building. We could tear it down. It will cost more, I am told, to tear that building down than we have in building it today. It is roughed in.

Renovation? I do not call it renovation. I call it completion. The building cannot be used for classified, but we have got basically a sound building there that could be used for something. So much work in an embassy does not need to be classified. The commerce section, the agriculture department, the routines of servicing requests for visas, and so forth, does not have to be classified.

They are going to need that space. So we would not be renovating. We are merely putting plaster on the walls windows and doors in openings finishing the elevators. It would cost about as much as we have invested to finish the building.

It would cost that much to tear it down. If that is sound thinking, then I do not know a thing about business. I should never have been—in the years I spent in banking and in business—or the argument I had a while ago here about pork barrel, about investments in the future.

What the option is, they are going to build another building someplace. We do not have to know why, do we? Well, if we do, OK. I am sure the State Department is going to tell us. It is going to be smaller.

This is where the classified business will be done. Not large enough to do all the work of an embassy. They are going to use both of them. We are going to get for a little bit of investment here 108,000 square feet. We are going to get 60 here to do the classified material that has to be done even with the relationship we have with Moscow today.

It is going to be a lot cheaper to build this additional building and finish this one than tearing this down and building this one on that location or someplace else.

It makes absolutely no sense. Let us forget about having our feathers ruffled today. Let us go ahead and say what is best for the United States and what we have to do.

I think we will be told by the State Department, but it is not a matter of whether we are Democrats or Republicans today. Foreign policy did not use to be partisan. This is part of foreign policy. So I am one Republican on the Committee on Appropriations that says yes. I support my administration when they are right. I will support this committee when they are right.

This committee is right, and the administration is right. Do not tear down this building. I do not think there is any intention of doing it. Plenty of use for it. A lot cheaper than doing the alternative. Tearing down a basically sound building because it is bugged when we know all the business does not have to be classified and be in a secure building absolutely makes no sense to tear this one down.

We have said this from the beginning. Every trip I have gone over there to look at it, I said, my gosh, tear down a basically sound building and start all over new. We are not doing the right thing.

I am proud to join today and vote for the motion.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I have been involved in this issue of the two embassies, the Soviet Embassy here and the American Embassy in Moscow, for I guess as long as I have been in Congress. The issue is an issue that goes beyond the embassies itself. The fact is the U.S. State Department screwed this deal up from the beginning.

They were patsies for the Soviets both in the construction of the Soviet Embassy here in Mount Alto and in the construction of the American Embassy there.

Congress has the responsibility to give oversight to the conduct of foreign policy, especially when we are funding the operation of the State Department. We have tried to pin the State Department down, and they have evaded answering. They have evaded proper oversight. They have tried to circumvent this.

The fact of the matter is, the fundamental reason the State Department went to the Committee on Appropriations and evaded the authorizing committee is that the gentlewoman from Maine [Ms. SNOWE] is on the authorizing committee. She is informed about this. She cares about this. She asks tough questions. She gets the State Department's feet in the fire, and they do not want their feet in the fire.

My colleagues, it is fundamental in international negotiations as it is in domestic negotiations. In any kind of an adversarial relationship, those that love peace more than freedom lose. Our State Department loves peace more than freedom. They just want this issue settled.

They do not want the Soviets to be held accountable for transgressing against the American people. They do not want their own people to be held accountable for their malfeasance of duty, and the last thing they want is the gentlewoman from Maine [Ms. SNOWE] breathing down their neck with tough perceptive questions. They get that if we let them go through appropriations and bypass the authorizing committee.

On the next vote, vote no and vote for freedom instead of peace.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I thank the gentleman for yielding time to me. I think that Members are now familiar with what we have before us.

Let me make a few points in response to what has been already said here today. I really think the major question is, what the State Department knows or does not know, what they want with respect to a facility in Moscow.

They have proposed three different proposals this year. The first was included in the President's budget, to tear down the unfinished, bugged building.

A month later they came back with another proposal that was called top hat, which had not been reviewed by anyone, certainly not in Congress, and not within the State Department.

Even though they had already proposed in the President's budget to tear it down, they came up with another alternative a month later.

Now what do we have? A week ago, apparently, they came up with this other proposal to build a brand new annex that no one has evaluated. The last time it was evaluated at all, and it was quickly dismissed, was back in 1987. According to my mathematics, that was 4 years ago. So no one has looked at this proposal.

If we are going to have bipartisanship here, I think it does mean including Republican Members on this side of the aisle, and no one was included in evaluating it, seeing what they had to offer.

It was not necessarily seeking our approval, but at least give us some information.

We passed authorizing legislation on this floor and the Senate. We had a conference committee. The conference report is coming back. And what does that conference report state in the authorizing legislation for the State Department on the Moscow Embassy?

□ 1520

It says, "Not later than 180 days after the date of enactment of this act, the Secretary of State, in accordance with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress a comprehensive plan which sets forth current and future space requirements for the U.S. mission in Moscow and how such requirements will be met," including details on how much classified space, how much unclassified space they need, you know, how much they need.

We do not even know what they need.

They now have built such a big proposed empire over there that we will

end up having over 200,000 square feet in Moscow at a time when the Soviet Union is downsizing, and the State Department is expanding. Does it make any sense to any of you that we should be spending probably one-half billion dollars on facilities in Moscow?

If that is the logic that prevails, then perhaps I have been, and the gentleman from Kentucky and everybody else who has been working on this, have been completely wrong. Let them just do what they want.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume. I will be brief.

What the State Department is asking the U.S. Congress to do here today is to give them a blank check, and with what this body has learned about blank checks lately, I do not think that is something you want to do. They want you to give them a blank check, no questions asked. "Do not ask me," they say, "where the building is going to be, what kind of a subterranean area is under it, how tall it is going to be, how large it is going to be, do not let us look at the specs for the building or even a drawing of the building," or they will not tell you what they are going to do with the bugged building or the old Embassy. They may have told two or three Members, I guess. They have not told you; they have not told me; they have not told the gentlewoman from Maine [Ms. SNOWE]. They have not told the vast majority of this Congress.

The appropriate authorizing committee of the U.S. Congress has not had a chance to even look at this proposal much less have hearings about it. Neither has the appropriating committee.

Mr. Speaker, now, I try to be reasonable about things, and I try to support the administration when they are right, and would like to be able to hear, but I also have an obligation, more important, as do the Members of this body, to our home folks, to the taxpayers, to the people who sent us here. Our obligation to them is, "We expect you to spend our tax dollars wisely, knowing what you are doing, making the right choice for us back home."

How can you make the right choice when you do not even know what you are voting on? For that reason, I ask a no vote.

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

First, let me respond to the argument that we need to reduce activities in Moscow. Nothing could be further from the truth. The State Department activities or military attachés perhaps, but not the Commerce Department or agriculture or some other agencies such as USIA.

We are moving from a period where we were fighting a cold war into one where we are expanding trade and increasing contacts.

From Iowa alone, there are about five or six trade missions in the U.S.S.R. looking for new opportunities to sell, and we have got a number of agencies over there with joint-venture contracts.

Every State in the Union is doing this as they should be. We are going to be increasing the number of U.S. Government people over there even though we are reducing the number of State Department employees. At the same time we are going to have to use that location as the center for dealing with all of the Baltics and all of Eastern Europe, too, for a while.

In addition to that, I say some of you may be upset because of turf issues. What is that? Are you upset because of a little vanity? What is vanity compared to doing what is right at this time, in this time of international movement in the world?

We are going through a period probably of only 2 or 3 years that is going to affect the world for many years to come. I compliment the administration on what they have been able to do.

Let us be bipartisan a little bit. Let's get the Republicans together with the Democrats and support the administration. I say let us support the administration on this vote and get this issue behind us. If we do not, then the gentlewoman from Maine or somebody on that side of the aisle will have an hour to debate some other alternative, and I do not know what that is either.

But let us get this behind us once and for all.

Mr. ROGERS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the motion offered by the Gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SNOWE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 175, nays 231, not voting 27, as follows

[Roll No. 293]

YEAS—175

Abercrombie
Ackerman
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bereuter
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Callahan
Campbell (CO)
Cardin
Carr
Chapman
Clay
Coleman (TX)
Condit
Conyers
Cooper
Coyne
Darden
Davis
de la Garza
DeFazio
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dwyer
Early
Edwards (CA)
Edwards (TX)
Engel
Espy
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Frank (MA)
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Gordon
Guarini
Hamilton
Hammerschmidt
Hatcher
Hefner
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (NC)
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Laughlin
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Michel
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (UT)
Parker
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Regula
Richardson
Rinaldo
Roe
Roybal
Sabo
Sawyer
Scheuer
Schumer
Serrano
Sharp
Skaggs
Skelton
Smith (FL)
Smith (IA)
Solarz
Spratt
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torres
Torricelli
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NAYS—231

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Billirakis
Bliley
Boehlert
Boehner
Broomfield
Bruce
Bunning
Burton
Byron
Camp
Campbell (CA)
Carper
Chandler
Clement
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
DeLauro
DeLay
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Ewing
Fawell
Fields
Fish
Flake
Franks (CT)
Gallegly
Gallo
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hobson
Horton
Houghton
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Jones (GA)
Jontz
Kasich
Kolbe
Kyl
Lagomarsino
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Mfume
Miller (CA)
Miller (WA)
Molinari
Moorhead
Moran
Morella

Morrison	Rogers	Stark
Murphy	Rohrabacher	Stearns
Nichols	Ros-Lehtinen	Stenholm
Nussle	Roth	Stump
Olin	Roukema	Sundquist
Orton	Rowland	Swett
Owens (NY)	Russo	Tanner
Oxley	Sangmeister	Tauzin
Packard	Santorum	Taylor (MS)
Pallone	Savage	Taylor (NC)
Panetta	Saxton	Thomas (CA)
Patterson	Schaefer	Thomas (WY)
Paxon	Schiff	Towns
Payne (VA)	Schroeder	Traficant
Penny	Schulze	Upton
Peterson (FL)	Sensenbrenner	Vander Jagt
Peterson (MN)	Shaw	Vucanovich
Petri	Shays	Walker
Porter	Shuster	Walsh
Poshard	Sikorski	Waters
Pursell	Sisisky	Weber
Ramstad	Skeen	Weldon
Ravenel	Slattery	Wilson
Reed	Smith (NJ)	Wolf
Rhodes	Smith (OR)	Wylie
Ridge	Smith (TX)	Yates
Riggs	Snowe	Young (AK)
Ritter	Solomon	Young (FL)
Roberts	Spence	Zeliff
Roemer	Stallings	Zimmer

NOT VOTING—27

Berman	Kaptur	Quillen
Dellums	Kolter	Rose
Dingell	LaFalce	Rostenkowski
Dymally	Lehman (FL)	Sanders
Ford (TN)	Levine (CA)	Sarpalius
Frost	Martinez	Slaughter (NY)
Gaydos	McGrath	Slaughter (VA)
Holloway	Moody	Staggers
Hopkins	Mrazek	Washington

□ 1545

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Quillen against.

Messrs. HAYES of Louisiana, JOHNSON of South Dakota, HAYES of Illinois, MILLER of California, RUSSO, SISISKY, GREEN of New York, and ENGLISH, Mrs. COLLINS of Illinois, Mrs. COLLINS of Michigan, and Messrs. ERDREICH, CRAMER, HARRIS, GLICKMAN, and PETERSON of Florida changed their vote from "yea" to "nay."

Messrs. VENTO, RANGEL, and KENNEDY changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CONFERENCE REPORT ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED APPROPRIATIONS ACT, 1992

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

MOTION OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROGERS moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$545,000,000, of which $130,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.".

The SPEAKER pro tempore (Mr. GLICKMAN). Does the gentleman desire recognition?

Mr. ROGERS. Yes, Mr. Speaker, if I may.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I will be extremely brief. We want to get out of here. What this motion does is restore the language that passed the House on its way to the conference except it does not restore it to the full $552 million. It restores it to $545 million, and that is only because the $552 million will break the international cap.

This is essentially what we passed in the House when the bill went to conference. It provides $130 million for construction of chancery facilities in Moscow without specifying what it is. That is what passed the House at the outset.

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

□ 1550

Mr. SMITH of Iowa. Mr. Speaker, the gentleman from Kentucky [Mr. ROGERS] has offered a new motion on the amendment that is similar to what was in the bill when it passed the House. It provides for $130 million for the Moscow chancery, leaving it up to the administration to decide what to do, and we know what they are going to do. However, there is one problem here.

Mr. Speaker, a while ago Members voted on this issue and they did not know what they were voting on. If this is defeated, I will offer one that makes it $100 million instead of $130 million, and the reason is this:

My colleagues just voted down one motion that had $100 million instead of $130 million, and the reason for the difference was that we needed that $30 million for facilities in the Baltics and Eastern European countries.

Now, if my colleagues vote for this, then they are voting for not putting any representation in the Baltics, for not doing anything in Georgia, and Armenia and the rest of those Republics. Vote this down, and then I will offer one that is for $100 million with the House language in it, and then the State Department will be able to have some funding for facilities in Eastern Europe.

There has been a change in the situation since this left the House. Some people do not seem to understand what is going on in the world. There has been a big change. They need at least $30 million for facilities in the Baltics, the Republics in the U.S.S.R., and Eastern European countries. Mr. ROGERS' motion takes it away from them.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I think the House made a terrible mistake on the last vote. I hope that they will support the gentleman from Iowa [Mr. SMITH] and vote "no" on this. This is a waste of money. The people in the Moscow Embassy could tell us. I was there a couple of weeks ago, and they were saying, "Let us have a little building, and that's all we need. We can move into that monstrosity that's been built there."

Mr. Speaker, they want to get in there and conduct business, and we need to do what the gentleman from Iowa [Mr. SMITH] is trying to do. We need to establish an American presence in the countries which were outlined. The situation has changed.

Mr. SMITH of Iowa. Mr. Speaker, let us vote "no", and then I will offer my motion.

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

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I have no problem with what the gentleman from Iowa [Mr. SMITH] is wanting to do. I would be happy to modify my amendment or my motion.

Mr. SMITH of Iowa. Mr. Speaker, the procedure is to just vote "no", and I will offer it in 3 minutes.

Mr. ROGERS. If the gentleman from Iowa [Mr. SMITH] would like, I will be happy to modify my motion or ask unanimous consent to modify my motion to change the $130 million to $100 million for Moscow and to allocate the $30 million to the Baltics, as the original conference agreement stated, to save time.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Kentucky [Mr. ROGERS] asks unanimous consent to modify the motion. Is there objection to the request of the gentleman from Kentucky?

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

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 140, and concur therein 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 chancery facilities in Moscow, U.S.S.R.".

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] is recognized for 30 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I will only take 1 minute. I have already explained what this motion does. It reduces the amount for the Moscow chancery to $100 million. It leaves it up to the administration to determine the best alternative, as the authorizing bill did, and the Department has already told us what they want to do.

So, Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. Does the gentleman from Kentucky [Mr. ROGERS] seek to discuss this motion?

Mr. ROGERS. Mr. Speaker, I agree with the motion.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 152: Page 68, after line 23, insert:

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.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 152, and concur therein 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 153: Page 68, after line 23, insert:

SEC. 503. None of the funds provided in this Act shall be used by the Department of State to issue any passport that is designated for travel only to Israel, and 90 days after the enactment of this Act, none of the funds provided in this Act shall be used by the Department of State to issue more than one official or diplomatic passport to any United States Government employee traveling to the Middle East.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 153, and concur therein with an amendment, as follows:

Delete all after "employee" and insert the following: "for the purpose of enabling that employee to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passports or other documents reflect that that person has visited Israel.".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 155: Page 69, line 8, strike out "$43,527,000" and insert "$44,423,000, of which $2,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad"."

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 155, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$44,527,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 162: Page 72, line 17, strike out "$178,000,000" and insert "$186,163,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 162, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$194,232,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 73, line 11, after "101–454)" insert ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith moves that the House recede from its disagreement to the amendment of the Senate numbered 165, and concur therein 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 Fellowships, 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 171: Page 75, after line 4, insert:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 171, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$27,500,000".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 173: Page 77, after line 14, insert:

SEC. 607. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1992 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1992 at not less than $9.79 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which funding was appropriated for each grantee and contractor in Public Law 101-515, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $18.39 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 101-515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in Public Law 101-515: *Provided further*, That for the purposes of the previous proviso, all references to "1991" in Public Law 101-515 shall be deemed to be "1992".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 173, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 175: Page 77, after line 14, insert:

SEC. 609. (a) No funds provided by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Chinese-built launch vehicles unless the President waives such prohibition under subsection (b) of this section. The term export license applications also includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.

(b) The restriction on the approval of export licenses for United States-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, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 175, and concur therein 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".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 176: Page 77, after line 14, insert:

SEC. 610. (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, 1992."

(d) Section 21A of the Small Business Act (15 U.S.C. 648a) is amended by striking subparagraph (c) and inserting the following in lieu thereof.

"Any statewide education based institution or consortium funded by the Administration as a Small Business Development Center may apply for a grant to be used to—

"(1) increase access by small businesses in its service area to on-line databases for the purpose of facilitating technology transfer, such as that created by subparagraph (a) of this Act or other privately or publicly funded databases;

"(2) develop systems and processes to assist the federal laboratories, public and private universities, and other public and private institutions in the transfer and commercialization of technologies developed by these organizations;

"(3) assist firms in analysis of opportunities represented by technologies developed by the federal laboratories, public and private universities, and other public and private institutions or contained in the databases;

"(4) assist in the continuing development required to bring identified technologies to commercialization;

"(5) assist with the required business planning, market research, and financial packaging required for commercialization;

"(6) link the firms assisted with potential sources of financing for product development and commercialization; and

"(7) assist in licensing and other issues associated with commercialization.".

(e) Public Law 101-574 is amended by striking section 232 thereof.

(f) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking the first sentence thereof.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 176, and concur therein 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, 1992."

(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 pararaphs (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 and private 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:

"(m) 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, with or 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 its 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 outstand-

ing 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 demonstration 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 so 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 subparagraph (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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 178: Page 77, after line 14, insert:

SEC. 612. REGULATIONS REQUIRED.

(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 178, and concur therein with an amendment, as follows:

In lieu of the first section number named in said amendment, insert the following: "610".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 179: Page 77, after line 14, insert:

SEC. 613. TRACKING SYSTEM FOR "I-94" FORMS.

(a) TRACKING SYSTEM.—The Attorney General shall develop a tracking system for the Department of Justice form designated "I-94" or any other successor form that specifies the date to which an alien is admitted to the United States.

(b) REPORT.—Not later than 45 days after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall submit to the Congress a report on the progress made in carrying out this section and a statistical report on visitors overstaying their visas.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 179, and concur therein 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 180: Page 77, after line 14, insert:

SEC. 614. TIMELY PAROLE OF CERTAIN ALIENS DETAINED AT THE KROME PROCESSING CENTER, FLORIDA.

Not later than 90 days after an alien begins detention at the Krome Processing Center, Florida, the Attorney General shall exercise his authority under section 212(d)(5) of the Immigration and Nationality Act (relating to parole) to release such alien from detention if such alien (1) is determined to have family ties in the community; (2) is not considered to be a danger to the community; (3) is likely to participate in the resolution of his immigration claims; and (4) has posted a reasonable bond.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH moves that the House recede from its disagreement to the amendment of the Senate numbered 180, and concur therein 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions and on the conference report was laid on the table.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, with the concurrence of the distinguished gentleman from New York [Mr. GREEN] I ask unanimous consent to take from the Speaker's table the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, with the remaining Senate amendment numbered 21 thereto, and concur in the Senate amendment to the House amendment to the Senate amendment numbered 21.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to Senate amendment No. 21, as follows:

Senate amendment to House amendment to Senate amendment No. 21:

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to

implement the standards required by section 353 of the Public Health Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards equal to that applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) REPORT.—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes regulations required by subsection (a), the Secretary shall submit to the appropriate Committees of the Congress a report on those regulations.

(c) DEFINITION.—As used in this section, the term "medical facility laboratories" means facilities for the biological, micro-biological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other physical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

Mr. TRAXLER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment to Senate amendment No. 21 be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. MONTGOMERY. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I just have some clarification about this procedure.

Mr. Speaker, it is my understanding that the Senate amendment adopts the provisions of section 304 of H.R. 2280, with a minor change, which passed the House on June 25, 1991. The Senate amendment to the House provision incorporates and reemphasizes the requirement that the Secretary of Veterans Affairs shall prescribe regulations in accordance with the requirements of the clinical laboratories improvement amendments, specifically, section 353(f) of the Public Health Service Act. The Senate modifications do not, however, alter the responsibilities which H.R. 2280 would impose on the Veterans' Administration.

The House-passed provision, as modified, would make it clear that in developing those regulations, the Secretary of Veterans Affairs would set standards of performance for VA's laboratories such that the level of quality assurance and control in those laboratories would equal those of private sector labs.

Is that the gentleman's understanding?

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, I would respond to the gentleman from Mississippi [Mr. MONTGOMERY] in the affirmative. Yes.

Mr. GREEN of New York. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Speaker, that is my understanding also, that in essence the standards at the Veterans' Administration will be no less than those prescribed by the Secretary of Health and Human Services, but the enforcement authority lies entirely with the Veterans' Administration.

Mr. MONTGOMERY. Mr. Speaker, I thank both gentleman. I only have one other inquiry.

Mr. Speaker, further, it is my understanding that the measure preserves the exclusive authority of the Secretary of VA to both issue his own regulations and to assure compliance. Under the amendment, the Secretary's regulations may differ from those issued by the Secretary of Health and Human Services. This understanding follows the intent of the House-passed provision. Significantly, however, the provision would result in both VA and private sector laboratories assuring their respective patients of high standards of validity, reliability, and safety of their testing.

Does the gentleman agree?

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, my answer is yes, I agree. The regulations may differ, but the standards must be effectively equal.

Mr. GREEN of New York, Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Speaker, as I stated a moment ago, it is my understanding that the Secretary of the Department of Veterans Affairs may promulgate different standards, but they must at least meet the standards set by the Secretary of Health and Human Services.

Mr. MONTGOMERY. Mr. Speaker, based on conversations we have had with VA officials earlier today, the Department agrees with our interpretation of the compromise agreement. I thank the gentleman for clarifying this matter and appreciate his working with me in resolving this issue with the other body.

Mr. Speaker I note that the Senate amendment inadvertently changed the definition of the term "medical facility laboratories." If we had more time, or we had seen this language before the Senate acted, we could have corrected this mistake. As it is, we must assume that it was a mistake, and we will correct it in a Veterans' measure which we will consider later this year.

Mr. Speaker, let me say one or two words about how we got into this situation. This problem arose because the other body chose to bypass the authorizing committee and to include legislative language in an appropriation matter. While I admire the gentlewoman from Maryland and want to commend her dedication to our Nation's veterans, I want to respond to her remarks concerning what motivated my actions on this conference report yesterday.

The chief medical director, Dr. Holsinger, has never suggested to me or to other committee members to my knowledge that VA should be exempted from CLIA. I'm the one who strongly believes that the Secretary of VA should run VA medical facilities, not the Secretary of HHS. Veterans throughout the country support this position.

I would hope that we could avoid such situations in the future by ensuring that legislative matters are left to the authorizing committees.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2698, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, October 3, 1991, to file a conference report on the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, October 3, 1991, to file a conference report on the bill (H.R. 2426) making appropriations for military construction for the Department of Defense, for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Monday, October 7, 1991, to file a conference report on the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1415, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file the conference report to accompany the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, we are having trouble hearing. I am not certain what the gentleman from Florida [Mr. FASCELL] was filing.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

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

Mr. FASCELL. Mr. Speaker, I ask for unanimous consent to have until midnight to file a conference report on the authorization bill for the Foreign Relations Authorization Act. This is not the Foreign Aid Act.

Mr. WALKER Mr. Speaker, this has been cleared by the minority?

Mr. FASCELL. If the gentleman will yield further, yes.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. ROYBAL. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the bill (H.R. 2622) making appropriations for the Treasury Department, 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 Clerk read the title of the bill.

The SPEAKER pro tempore. (Mr. STUDDS). Pursuant to the order of the House on Wednesday, October 2, 1991, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 2, 1991, at page H-7298.)

The SPEAKER pro tempore. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL]

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

(Mr. ROYBAL. asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. ROYBAL. Mr. Speaker, the conferees have reached agreement on the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1992. It was not an easy conference, as the fiscal restraints, with which all Members are familiar, forced the conferees to agree to some funding levels that I personally wish could have been higher.

On the whole, however, the conference report before the House will fund the agencies in this bill at a level which will enable them to perform their assigned functions in a reasonable manner.

H.R. 2622 provides a total of $19.9 billion in new budget authority for the agencies under this bill for fiscal year 1992. The conference agreement is below the 602(b) allocations for both budget authority and outlays and is $1 billion below the amount appropriated in fiscal year 1991. Mr. Speaker, I submit for the RECORD a table providing details of this conference report:

H.R. 2622 - Treasury, Postal Service and General Government, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses	63,883,000	68,975,000	67,500,000	68,975,000	68,238,000	+4,355,000
International affairs	29,717,000	33,855,000	32,794,000	33,855,000	33,325,000	+3,608,000
Office of the Inspector General	21,296,000	27,710,000	22,710,000	24,835,000	24,835,000	+3,539,000
Financial crimes enforcement network	16,488,000	18,055,000	18,055,000	18,055,000	18,055,000	+1,567,000
Federal Law Enforcement Training Center:						
Salaries and expenses	40,265,000	39,245,000	39,245,000	41,245,000	39,645,000	-620,000
Acquisition, Construction, Improvements, and Related Expenses	20,775,000	5,359,000	5,359,000	16,534,000	8,309,000	-12,466,000
Financial Management Service: Salaries and expenses	218,742,000	233,895,000	189,195,000	228,968,000	231,500,000	+12,758,000
Bureau of Alcohol, Tobacco and Firearms	303,882,000	316,796,000	316,796,000	341,040,000	336,040,000	+32,158,000
(By transfer)	(3,856,000)					(-3,856,000)
United States Customs Service:						
Salaries and expenses	1,137,786,000	1,261,814,000	1,226,514,000	1,270,005,000	1,266,305,000	+128,519,000
(By transfer)	(18,884,000)					(-18,884,000)
Operation and maintenance, air interdiction program	110,347,000	121,432,000	109,432,000	176,932,000	1/ 175,932,000	+65,585,000
Customs forfeiture fund (limitation on availability of deposits)	14,855,000	15,000,000	15,000,000	15,000,000	15,000,000	+145,000
Customs services at small airports (to be derived from fees collected)	2,152,000	2,981,000	2,981,000	2,981,000	2,981,000	+829,000
Customs air facilities construction				26,600,000	12,100,000	+12,100,000
Total, United States Customs Service	1,265,140,000	1,401,227,000	1,353,927,000	1,491,518,000	1,472,318,000	+207,178,000
United States Mint:						
Salaries and expenses	51,429,000	53,806,000	53,806,000	53,806,000	52,450,000	+1,021,000
Expansion and improvements	550,000					-550,000
Bureau of the Public Debt	175,139,000	192,270,000	192,270,000	185,659,000	189,000,000	+13,861,000
Payment of Government losses in shipment	500,000					-500,000
Internal Revenue Service:						
Administration and management	142,279,000	144,503,000	144,503,000	141,653,000	141,372,000	-907,000
(By transfer)	(3,059,000)					(-3,059,000)
Processing tax returns and assistance	1,521,595,000	1,661,298,000	1,661,298,000	1,661,298,000	1,657,944,000	+136,349,000
Tax law enforcement	3,501,119,000	3,632,384,000	3,606,124,000	3,582,485,000	3,579,879,000	+78,760,000
Information systems	942,932,000	1,294,713,000	1,294,713,000	1,294,713,000	2/1,294,713,000	+351,781,000
Total, Internal Revenue Service	6,107,925,000	6,732,898,000	6,706,638,000	6,680,149,000	6,673,908,000	+565,983,000
United States Secret Service	411,606,000	475,423,000	475,423,000	475,423,000	475,423,000	+63,817,000
(By transfer)	(91,000)					(-91,000)
Total, title I, Department of the Treasury:						
New budget (obligational) authority	8,727,337,000	9,599,514,000	9,473,718,000	9,660,062,000	9,623,046,000	+895,709,000
(By transfer)	(25,890,000)					(-25,890,000)
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund 3/	472,592,000	182,778,000	649,301,000	383,000,000	470,000,000	-2,592,000
Payment to the Postal Service Fund for nonfunded liabilities	38,142,000	40,575,000	40,575,000	40,575,000	40,575,000	+2,433,000
Total, title II, Postal Service	510,734,000	223,353,000	689,876,000	423,575,000	510,575,000	-159,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
Office of Administration	25,410,000	24,510,000	23,010,000	24,510,000	24,510,000	-900,000
The White House Office	32,799,000	34,885,000	34,885,000	34,885,000	34,885,000	+2,086,000
Executive Residence at the White House	8,495,000	8,362,000	8,362,000	8,362,000	8,362,000	-133,000
Official Residence of the Vice President	626,000	324,000	324,000	324,000	324,000	-302,000
Special Assistance to the President	2,587,000	2,932,000	2,932,000	2,932,000	2,932,000	+345,000
Council of Economic Advisers	3,064,000	3,345,000	3,345,000	3,345,000	3,345,000	+281,000
Office of Policy Development	3,395,000	3,701,000	3,701,000	3,701,000	3,701,000	+306,000
National Critical Materials Council	400,000	235,000	235,000	235,000	235,000	-165,000
National Security Council	5,893,000	6,145,000	6,145,000	6,145,000	6,145,000	+252,000
Office of Management and Budget	48,343,000	53,434,000	50,470,000	53,434,000	51,934,000	+3,591,000
Office of Federal Procurement Policy	2,914,000	3,058,000	3,058,000	3,058,000	3,058,000	+144,000
Unanticipated needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	

1/ Of which $14,500,000 shall not be obligated prior to Sept. 30, 1992.

2/ Of which $97,000,000 shall not be obligated prior to Sept. 30, 1992.

3/ OMB FY 92 request for Postal Service is $182,778,000.

H.R. 2622 - Treasury, Postal Service and General Government, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Office of National Drug Control Policy:						
Salaries and expenses	99,000,000	69,222,000	69,122,000	113,018,750	105,122,000	+6,122,000
Special forfeiture fund	46,000,000	77,000,000	77,000,000	67,000,000	52,500,000	+6,500,000
IRS tax law enforcement (by transfer)				(28,000,000)	(6,000,000)	(+6,000,000)
ADAMHA (by transfer)	(-16,110,000)	(31,000,000)	(31,000,000)	(10,000,000)	(19,000,000)	(+35,110,000)
Bureau of Prisons (by transfer)	(-23,900,000)	(46,000,000)	(10,000,000)			(+23,900,000)
United States Secret Service (by transfer)				(5,000,000)		
INS (by transfer)				(10,000,000)	(7,500,000)	(+7,500,000)
U.S. Customs Service (by transfer)			(21,000,000)			
Bureau of Alcohol, Tobacco and Firearms (by transfer)			(15,000,000)			
Counter Drug Tech Assessment Center (by transfer)					(20,000,000)	(+20,000,000)
Total, title III, Executive Office of the President	280,176,000	288,403,000	283,839,000	322,199,750	298,303,000	+18,127,000
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	2,079,000	2,227,000	2,227,000	2,227,000	2,227,000	+148,000
Advisory Commission on Intergovernmental Relations	1,300,000	1,330,000	1,330,000	1,330,000	1,330,000	+30,000
Advisory Committee on Federal Pay	100,000					-100,000
Committee for Purchase from the Blind and Other Severely Handicapped	1,160,000	1,293,000	1,293,000	1,446,000	1,446,000	+286,000
Federal Election Commission	17,150,000	18,808,000	18,808,000	18,808,000	18,808,000	+1,658,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	1,645,733,000	47,144,000		301,000,000	271,000,000	-1,374,733,000
Unobligated balances		185,679,000	117,218,000			
Limitation on availability of revenue:						
Construction and acquisition of facilities	(1,460,678,000)	(477,021,000)	(371,416,000)	(385,104,276)	(548,482,000)	(-912,196,000)
Construction deferral						
Repairs and alterations	(790,252,000)	(569,251,000)	(569,251,000)	(569,251,000)	(569,251,000)	(-221,001,000)
Design and construction services	(247,665,000)	(143,072,000)	(143,072,000)	(114,874,000)	(112,273,000)	(-135,392,000)
Installment acquisition payments	(136,579,000)	(144,587,000)	(144,587,000)	(144,587,000)	(144,587,000)	(+8,008,000)
Rental of space	(1,545,100,000)	(1,665,900,000)	(1,655,900,000)	(1,568,900,000)	(1,568,900,000)	(+23,800,000)
Real property operations	(1,037,200,000)	(1,107,372,000)	(1,107,372,000)	(1,107,372,000)	(1,071,372,000)	(+34,172,000)
Program direction	(122,474,000)	(139,748,000)	(139,748,000)	(137,748,000)	(137,748,000)	(+15,274,000)
Total, Federal Buildings Fund:						
New budget (obligational) authority	1,645,733,000	232,823,000	117,218,000	301,000,000	271,000,000	-1,374,733,000
(Limitations)	(5,339,948,000)	(4,246,951,000)	(4,131,346,000)	(4,027,836,276)	(4,152,613,000)	(-1,187,335,000)
Federal Supply Service: Operating expenses	53,957,000	54,605,000	54,605,000	54,605,000	54,605,000	+648,000
Federal Property Resources Activities:						
Operating expenses, federal property resources service	13,386,000	14,227,000	14,227,000	14,227,000	14,227,000	+841,000
Real property relocation	8,000,000	8,000,000	16,000,000	8,000,000	12,000,000	+4,000,000
General management and administration	35,100,000	31,421,000	31,421,000	30,431,000	31,155,000	-3,945,000
International Cultural and Trade Center Commission (by transfer)		(1,240,000)	(1,240,000)		(724,000)	(+724,000)
Information resources management service	39,961,000	46,014,000	46,014,000	46,014,000	46,014,000	+6,053,000
Office of Inspector General	30,997,000	35,994,000	34,994,000	35,994,000	35,994,000	+4,997,000
Allowances and Office Staff for Former Presidents	1,964,000	2,129,000	2,129,000	2,129,000	2,129,000	+165,000
Total, General Services Administration:						
New budget (obligational) authority	1,829,098,000	425,213,000	316,608,000	492,400,000	467,124,000	-1,361,974,000
(By transfer)		(1,240,000)	(1,240,000)		(724,000)	(+724,000)
National Archives and Records Administration	138,219,000	152,143,000	152,143,000	154,143,000	152,143,000	+13,924,000
Office of Government Ethics	3,725,000	6,303,000	6,303,000	6,303,000	6,303,000	+2,578,000
Office of Personnel Management:						
Salaries and expenses:						
Appropriation	114,461,000	117,893,000		116,593,000	116,593,000	+2,132,000
(Limitation on administrative expenses)	(74,379,000)	(65,046,000)		(64,746,000)	(64,746,000)	(-9,633,000)
Employees Health Benefit Fund (limitation on administrative expenses)		(13,850,000)		(13,850,000)	(13,850,000)	(+13,850,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)		(208,000)		(208,000)	(208,000)	(+208,000)
Employees Life Insurance Fund (limitation on administrative expenses)		(953,000)		(953,000)	(953,000)	(+953,000)
Office of Inspector General	4,607,000	4,118,000	3,118,000	4,018,000	4,018,000	-589,000
(Limitation on administrative expenses)	(3,043,000)	(6,375,000)	(6,375,000)	(5,825,000)	(5,825,000)	(+2,782,000)
Government payment for annuitants, employees health benefits	3,509,563,000	2,503,535,000	2,503,535,000	2,503,535,000	2,503,535,000	-1,006,028,000
Government payment for annuitants, employee life insurance benefits	8,700,000	14,249,000	14,249,000	14,249,000	14,249,000	+5,549,000
Payment to civil service retirement and disability fund	5,687,105,000	6,078,686,000	6,078,686,000	6,078,686,000	6,078,686,000	+391,581,000
Total, Office of Personnel Management	9,324,436,000	8,718,481,000	8,599,568,000	8,717,081,000	8,717,081,000	-607,355,000

H.R. 2622 - Treasury, Postal Service and General Government, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Merit Systems Protection Board:						
Salaries and expenses:						
Appropriation	22,564,000	23,361,000	23,361,000	23,361,000	23,361,000	+797,000
(Limitation on administrative expenses)	(1,500,000)	(1,850,000)	(1,850,000)	(1,850,000)	(1,850,000)	(+350,000)
Office of special counsel	6,608,000	7,789,000	7,789,000	7,789,000	7,789,000	+1,181,000
Total, Merit Systems Protection Board	29,172,000	31,150,000	31,150,000	31,150,000	31,150,000	+1,978,000
Federal Labor Relations Authority	18,693,000	20,769,000	20,769,000	20,769,000	20,769,000	+2,076,000
Total, federal personnel activities	9,372,301,000	8,770,400,000	8,651,507,000	8,769,000,000	8,769,000,000	-603,301,000
United States Tax Court	31,598,000	33,050,000	33,050,000	32,050,000	32,050,000	+452,000
Total, title IV, Independent Agencies:						
New budget (obligational) authority	11,396,730,000	9,410,767,000	9,183,269,000	9,477,707,000	9,450,431,000	-1,946,299,000
(Limitation on administrative expenses)	(5,418,870,000)	(4,335,233,000)	(4,139,571,000)	(4,115,268,276)	(4,240,045,000)	(-1,178,825,000)
Grand total:						
New budget (obligational) authority	20,914,977,000	19,522,037,000	19,630,702,000	19,883,543,750	19,882,355,000	-1,032,622,000
(By transfer)	(-14,120,000)	(78,240,000)	(78,240,000)	(53,000,000)	(53,224,000)	(+67,344,000)
(Limitations)	(5,418,870,000)	(4,335,233,000)	(4,139,571,000)	(4,115,268,276)	(4,240,045,000)	(-1,178,825,000)

H.R. 2622 funds Federal agencies deeply involved in the war on drugs. The conference report before you provides funding for a number of law enforcement agencies such as the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, and others. The conference report contains funds and support for the Director of the Office of Drug Control Policy in his efforts to provide policy and other guidance for the war on drugs.

The most difficult reduction that we had to make in this bill was the revenue forgone appropriation to the Postal Service. We were, however, able to mitigate the rate increase proposed by the Senate. We have provided sufficient funding so that only the "flat" mail rates will increase. Flat mail is the odd or oversize mail that will not fit through the Postal Service's mail sorting machines. The increase for this type of mail will only increase an average of 2.2 cents, which is half of the average rate increase proposed in the Senate bill. I do not like this increase and wish we could have afforded to fully fund revenue forgone. However, I think that we got the best deal we could under the circumstances and am pleased that we were able to cut the rate increase proposed in the Senate by one-half.

This bill also contains compromise language regarding the Centers for Disease Control guidelines on the immunodefficiency virus and the hepatitis B virus. The conference agreement requires that each State public health official shall, not later than 1 year after the date of enactment of this act, certify to the Secretary of Health and Human Services that guidelines issued by the Center for Disease Control, or guidelines which are equivalent to those promulgated by the Center for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State public health official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If that certification is not provided under this section within the 1-year period, the State shall be ineligible to receive assistance under the Public Health Service Act until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines. It shall be the responsibility of the Director of the Center for Disease Control to determine whether guidelines other than those issued by the centers for disease control are "equivalent" to those issued by the CDC.

Mr. Speaker, this conference report also contains additional funds for the Internal Revenue Service to increase the emphasis on tax law compliance in order to increase tax revenues.

In general, the conferees endeavored to fund all agencies at a level that would enable them to continue their operations at about the current level.

Mr. Speaker, I believe that this is a good conference report, and it represents a reasonable compromise with the Senate of the United States. I would like to recommend this report to Members of the House. I believe that it is fair. It is well done, and I wish to urge Members at this time to support the conference report.

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

□ 1610

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

Mr. WOLF. Mr. Speaker, we bring before the House today the conference report on H.R. 2622, which makes appropriations to the Department of Treasury, the Postal Service, the Executive Office of the President, and several general Government agencies. Because of this subcommittee's spending allocation, this conference report is the product of tough choices in several accounts. There were a total of 155 Senate amendments that conferees had to resolve. But conferees reached agreement on funding levels for the agencies in the bill that will allow them to continue to carry out their vital missions.

Because this conference report strikes a chord for spending restraint, while directing limited resources to critical needs, I believe that it deserves the support of the House. The measure, H.R. 2622, appropriates new budget authority of $19.9 billion, a reduction of approximately $1.03 billion below the amount appropriated last year in the fiscal year 1991 act.

Funds provided in this measure will ensure the soundness of Federal agen-

cies that are important to the American public. There is something in the bill that every Member of this body can support. Within the Treasury Department, several of the agencies—such as the Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco, and Firearms—produce revenue to fund the operation of the Federal Government. This measure would allow these agencies to continue to carry out important law enforcement and revenue collection activities. It will also allow the Customs Service to maintain its role in facilitating trade, which is critical to the competitiveness of the United States. The measure also provides funds for the dual mission of the Secret Service—protecting our national leaders and preventing counterfeiting.

One account for the Treasury Department that I want to mention is funding for IRS tax systems modernization. The conference report delays the obligation of $97 million for tax systems modernization until the last day of the fiscal year. I am concerned about this delay, which was one of the tough agreements reached in conference. I sincerely hope it does not affect the good work that is being done at the IRS by Commissioner Goldberg in improving assistance to taxpayers and increasing revenue collection.

Contained in the conference report is a pilot program at IRS that could have significant benefits to Federal workers and to the American public. The program provides incentives for employees to develop ways to save the Federal Government money. It would allow employees to share in savings achieved by employee-generated ideas, such that 50 percent of savings would be used for employee bonuses and for further efficiency savings in the agency. The other 50 percent of savings would go to the General Treasury for deficit reduction.

Basically, if an employee can come up with a good idea and save money, right now they come to the end of the fiscal year, there is no incentive to do that. So it is then spent. This way they save, 50 percent goes to the deficit and 50 percent for efficiency and bonuses.

If this pilot program works—and I believe that it will if implemented properly—it would be expanded governmentwide.

Another important item in this measure is an OPM study on the utilization of profamily employee programs governmentwide. These programs—such as child day care, senior care, flexiplace, flexitime, and other alternative work schedules, job-sharing, leave-sharing, and annual and sick leave policy—are essential if the Federal Government expects to maintain a well-qualified and motivated work force.

We in Congress want to do everything we can to keep the American family together.

The OPM study will allow Congress to gauge how well these programs are working, and what can be done to make them more effective.

Many Members have been contacted by charitable organizations regarding the Senate cut in the Postal Service revenue foregone account. This was one of the most contentious items in conference. In the end, a compromise was reached at $470 million for that account. The agreement included a proviso that the increase in rates on those preferred rate mailers who mail flats would not exceed 2.2 cents per piece.

The conference report also strengthens the sentencing guidelines for Federal child pornography offenses, including an amendment that was supported by the unanimous votes of both Houses. And conferees reached agreement on amendments that dealt with health care workers who may be infected with the HIV virus. The conference report contains a provision which will require all States to enact legislation codifying the Centers for Disease Control's guidelines on HIV and health care workers. States are required to certify that these guidelines are in place within 1 year or they will lose Federal funding under the Public Health Service Act.

The conferees took the lead of the House bill and did not include any funds in GSA's budget for private grants, which have been included in the past. There are no special private grants in this bill. This year there were requests for appropriations for private grants in excess of $170 million from worthy causes. But given the budget situation, the conferees did the right thing by not funding private grants.

I want to commend Chairman ROYBAL, whose hard work and reasonableness guided the House side in conference. I want to thank him for his leadership and for the spirit of bipartisanship that he promotes on the subcommittee. I also want to thank the other members of the committee, who have each added to the crafting of this conference report. I also want to thank the staff—Bill Smith did an excellent job, taking over from Tex Gunnels, who guided the bill early on. I also want to thank Jim Ogsbury of the minority staff, who has been a valuable resource.

I urge the Members of the House to support the conference report on H.R. 2622.

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

Mr. ROYBAL. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I would like to express my support for the conference agreement on H.R. 2622, the fiscal year 1992 Treasury, Postal Service, and general Government appropriations bill. In particular, I'd like to congratulate my chairman, Congressman EDWARD ROYBAL, for his excellent work on this bill.

Our subcommittee was faced with the very difficult task of cutting hundreds of millions of dollars from the President's budget request in order to meet our 602(b) allocation. Chairman ROYBAL, Congressman WOLF, the other members of the subcommittee, and our professional staff all did yeoman's work in putting together a first-rate bill.

I say this, in spite of the fact that I took exception to two amendments agreed to in conference committee. Before explaining my reasoning on those two amendments, let me take a moment to point out a couple of things in the bill that are of particular interest to the people in Colorado.

First, the committee report includes language I authored directing the General Services Administration [GSA] and Department of Commerce to work closely with the city of Boulder in the design and construction of a new National Oceanic and Atmospheric Administration [NOAA] facility. It also includes explicit direction to Commerce and GSA to reach an agreement with Boulder about the extent of any future development of the site.

Since the House first adopted this language there has been progress back home in terms of cooperation and communication. It's my hope and strong expectation that GSA and NOAA will continue to move in the right direction to address the concerns of the city of Boulder—including its desire for assurances about reserving much of the Federal site for open space.

In addition, the conference committee approved my amendment to allow the GSA to reprogram up to $16.2 million from other previously appropriated funds to meet NOAA's specialized laboratory needs for the building and to achieve the maximum energy efficiency possible in the design, construction, and operation of the building. Most importantly, this additional funding will enable the GSA to fund design changes that respond to the city of Boulder's concerns. It's my sincere hope that we'll end up with a first-rate facility that will serve NOAA's scientific needs, further establish Boulder as a center for environmental research, and be a source of pride for the community.

Second, the committee agreed to language directing the Office of Personnel Management [OPM] to study the feasibility of installing a toll-free number for Federal employees. My district office has received numerous complaints from Federal employees and retirees who are forced to make costly long-distance calls—often being put on hold for as long as a half hour—to get basic information about their benefits and personnel data. It seems to me that Federal employees residing outside of the Washington-metro region should not be unfairly burdened with these long-distance charges. Should the toll-free line

prove feasible, I would hope that the OPM would proceed with installation as soon as possible.

Third, the bill includes report language directing a reexamination of the FTS-2000 phone system. I worked to gain acceptance of this proposal because of allegations that the FTS-2000 system may be costing the Federal Government more than we've bargained for, and because the bargain we struck can properly be reopened. At a time when severe budget constraints force us to cut vital programs, it's more critical than ever that we ensure that the Government is not throwing money away.

Finally, the committee accepted my proposal to encourage OPM to extend the assignment of OPM investigators who have been loaned to the Department of Energy [DOE] to help clear out the backlog of security clearance applications at the Rocky Flats Plant. It's a tremendous waste of both human and financial resources to have literally hundreds of plant employees unable to perform their duties because they lack the required clearance. These folks want to work, and they should be working. This problem is not unique to Colorado. There are security backlogs nationwide. For that reason, the committee has also included language directing the Office of Management and Budget to review the incidence of security clearance delays on a national basis.

Mr. Speaker, if I may, I would like to take a moment now to explain why I took the unusual step of taking exception to two amendments in the conference agreement.

The first amendment I am troubled by deals with revenue forgone. For those unfamiliar with this issue, Federal law (39 U.S.C. 2401(c)) authorizes appropriations each year to reimburse the Postal Service for the revenue forgone on free and reduced mail. Churches, veterans groups, the blind, universities and other nonprofit organizations are the primary beneficiaries of these reduced rates. The amount of revenue forgone requested is the difference between what the Postal Service would have received at unsubsidized rates and what it actually receives at the statutory reduced—rate levels. The bottom line is that at some point and in some manner—the Postal Service must recoup its loss.

The House entered the conference with a strong position in support of fully funding revenue forgone. I supported that position. Unfortunately, budgetary constraints forced the committee to cutback on this account. My problem, however, is not that we had to cut funding, but how and where we chose to do it.

Our subcommittee was placed in a very difficult situation this year through no fault of our own. Policy issues that should have been resolved by the authorizing committees were not. Unfortunately, in an attempt to do the job of the authorizing committees, the House conferees had to accept a Senate provision that's highly questionable. As the conference discussed possible savings from the Senate provision on oversized flats, it became clear that we were guessing about its potential fiscal impact. The problem is that while we protected nonprofit mailers from the possible effects of these miscalculations in fiscal year 1992 (by prohibiting increased postal rates that year), any shortfall will have to be made up in coming years. Depending on how far off the estimates are, this approach could spell severe postal increases for nonprofit mailers in the future.

I'm also very uncomfortable with delaying obligations, and so outlays, for IRS tax system modernization and some Customs Service purchases as a way to fund the Senate shortfall in revenue forgone. As unpopular and difficult as it would be, I believe the wiser course would have been to make real cuts in programs. Ultimately, we are going to have to pay for all of this. The approach we have taken will have the effect of pushing tens of millions of outlays into fiscal year 1993 and making our task next year—a year expected to be even more constrained than this one—that much more difficult. And that's what troubles me.

Recognizing that we will have to make substantive changes to revenue forgone law in order to control future spending growth in this area, the conferees agreed to language I suggested urging the authorizing committees to review the categories of postal users entitled to subsidized rates and consider establishing some order of priority to limit these entitlements in the event that we are faced again with inadequate funds to fully fund this account. I earnestly ask the Post Office and Civil Service Committee to move quickly on this, so we don't have to intrude on its jurisdiction in constructing next year's appropriations bill.

The second amendment I object to is the provision requiring all States to adopt the Centers for Disease Control guidelines designed to prevent the transmission of the HIV virus from health care professionals to their patients. While the conference committee wisely rejected the Senate-passed provision requiring a mandatory jail sentence for any HIV-infected health care worker who does not inform patients of their infected status, we were forced by Senate negotiators to accept this alternative language. Make no mistake about it, the language before us today is a vast improvement over what the Senate passed. For that, we owe credit to Chairman ROYBAL for his leadership in brokering an agreement that produced this much improved language.

However, in spite of the improvement, I still cannot associate myself with the provision. To begin with, this bill provides appropriations for the Department of Treasury, the Postal Service, the IRS, the General Services Administration—to name a few agencies—but no funding for any AIDS-related program. We have no jurisdiction over doctors or other health care providers. This provision violates fundamental procedural and jurisdictional rules. There is absolutely no justification for including any provision on this subject matter in this bill.

Second, my own State of Colorado has already adopted a policy based on the CDC guidelines. I am sure many other States have done the same. Why are we presuming that States need "big brother" Federal Government to tell them how to protect their citizens. More to the point, even if Congress should be taking any action on this subject, we certainly should have the benefit of hearings and public input first.

The Committee on Energy and Commerce is in the process of holding hearings on this issue and on the CDC guidelines. If there is an appropriate Federal role it should come out of that kind of thoughtful, comprehensive examination. Anything less violates good policy, good faith, and good sense. It serves only to further politicize the tragedy of AIDS, and to compound public misunderstanding that we should be trying to correct.

There are no words to express my deep sorrow for the patients who were infected by their dentist in Florida. But this kind of political expediency only belittles that tragedy. Moreover, it panders to misunderstandings about AIDS. Only five people appear to have been HIV-infected by any health care provider, and all those by a single dentist. This is probably the least likely way anybody could be infected by the HIV virus. Our prevention efforts would be focused far more profitably on the much more common means of transmittal.

We need to develop a comprehensive, rational AIDS policy that addresses all of the issues surrounding AIDS. We need adequate funding for AIDS research, we need adequate funding for educational materials that promote safe-sex and AIDS prevention, and we need adequate funding for health care. These are the real steps we need to take to protect people. Let's act on these policies of hope, not appeal to the politics of fear.

□ 1620

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I will ask to engage in a brief colloquy with the gentleman from California [Mr. ROYBAL], the chairman of the subcommittee. I would also like to thank the chairman and the ranking minority

member, the gentleman from Virginia [Mr. WOLF], for their assistance and leadership in this area.

On page 18 of the House Report 102-109, it included language directing the Internal Revenue Service to use $3.8 million in funding for processing tax returns and taxpayer assistance for a fourth toll-free call answering site in Rhode Island. Am I correct in stating that the committee of conference concurs in the language included in House Report 102-109 for a toll-free call answering site in Rhode Island?

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. MACHTLEY. I am happy to yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I would like to respond by saying yes, that is correct.

Mr. MACHTLEY. I thank the chairman very much.

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I recognize the fact that the gentleman from California [Mr. ROYBAL] and the gentleman from Virginia [Mr. WOLF] had a tough job and did their best, but I would like to just bring about a different point.

We all recognize that the distinguished Senator from West Virginia, Senator BYRD, who is also chairman of the Senate Appropriations Committee, is doing his best to move the Federal Government to West Virginia. The latest Federal entity to get its transfer orders is the Bureau of Public Debt.

Like the House bill, the conference agreement on Treasury-Postal Service appropriations includes provisions designed to ensure that no present employee of the Bureau will be without a Federal job in the Washington, DC, area if he or she does not wish to move to Parkersburg, WV, the new location for the Bureau.

Some may argue that moving the Bureau will save money in the long run. That savings, however, will not be realized in this bill. The conference agreement prohibits the Treasury Department from separating, reducing the pay or grade, or taking any other adverse personnel action against an individual who declines to move to Parkersburg.

With the $160 billion tax increase last fall, we asked the American people to sacrifice their standard of living to try to balance the Federal budget. Many Americans lost their jobs as a result of the increased taxes—just ask the workers in the boating industry which was subject to a luxury tax. And yet who in Washington suffered? How many Federal workers were laid off? Where did we reduce government? The answer is nowhere.

Under this conference report it is business as usual. We are guaranteeing the jobs of Washington bureaucrats. Will we ever learn? I doubt it.

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

Mr. Speaker, I would just like to respond to the gentleman from North Carolina. The problem is that they are moving the Bureau of Public Debt to West Virginia as an economic development growth package, and a lot of people are being hurt. A lot of single parents are being hurt, a lot of people who have children in special ed classes, and just cannot abruptly be pulled up. So a lot of people are being hurt.

They are moving the FBI to West Virginia, the fingerprinting lab, and the debate came up the other time, and I would urge the Members of the Congress who are listening to this debate to get the House Appropriations hearing record and look to see how this issue has been handled. Did West Virginia change its tax laws? There are so many things.

What the members in the committee tried to do was to protect those people who were being manipulated, and having they and their families lives disrupted.

The American family is under more pressure today than at any other time in the history of the country. Child abuse is up. Spouse abuse is up. Teenage suicides are up. Teenage pregnancies are up. These families of these Federal employees have been manipulated and pushed and pulled and tugged through no fault of their own.

The FBI is not cutting back their fingerprinting lab. They are going to have it. But just for an economic development package for West Virginia. People from the District of Columbia and Maryland and Virginia are going to be hurt just so these Federal agencies can move to West Virginia for additional jobs.

People who live in the inner city, single parents, are going to be hurt, and the same thing is taking place, and that is why I commend the committee for boldly taking care of this.

I would tell the Congress that there is another issue coming up, and that is that they now want to move the Central Intelligence Agency to West Virginia. The name of it is the Central Intelligence Agency; it is not the Decentralized Intelligence Agency.

Many of these employees, many who live in my congressional district, many in Maryland, many in the District of Columbia will have to travel up to 2 hours each way, 2 hours in the morning and 2 hours home should the CIA move to Jefferson County, WV.

We understand when people want to do something to economically help a region or State, but the answer is you are not to tear down one region to help another. What do you tell these single parents or a husband and wife both working, they both have jobs and have just remodeled their homes? What do you tell them? "Too bad, we know you are coaching a Little League, but you are not going to be able to come home in time. We know you are in a choir at church, but that is too bad, because at the end of the day you will be so exhausted from the commute. We know that you want to spend time with your kids doing homework, but sorry, this move will take place."

In answer to the gentleman from North Carolina, the reason the committee, in sensitivity to those parents, those families who are being manipulated and pulled and tugged and have become, quite frankly, political pawns, the committee did the right thing by protecting their interests, and as the ranking Republican on the House Select Committee on Children, Youth, and Families. I stand and commend the committee for doing everything it could to maintain and keep the family together.

With regard to the boat tax, I might say that I have joined the gentleman for repeal of the boat tax. But this provision is a good provision. It is a pro-family provision. It is a caring provision, and it is a compassionate provision.

Hopefully the Congress will not have to face this issue on the CIA, because hopefully the Congress will do the right thing, and when this issue comes before this body, this body will have the courage to stand up and say, "No, enough is enough. We will not allow these employees to be manipulated and forced to move to West Virgina and destroy their lives."

□ 1630

Mr. ROYBAL. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding this time to me.

As a member of the subcommittee, I rise in support of this conference report for H.R. 2622.

I commend the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee, and thank the gentleman from California [Mr. ROYBAL] of the subcommittee and the ranking member, the gentleman from Virginia [Mr. WOLF] for their extraordinary efforts to bring this conference report to the floor. The subcommittee staff also deserves special recognition for its tireless efforts on behalf of this bill, because, Mr. Speaker, there were many areas of controversy in the bill.

Under the leadership of Chairman ROYBAL, however, this committee has worked hard to provide adequate funding for critical agencies under its jurisdiction—despite a 602(b) allocation that was significantly below the President's request. Critical programs, including drug interdiction efforts of the Customs Service and the Bureau of Alcohol, Tobacco and Firearms, and the ac-

tivities of the Office of Drug Control Policy are funded in this bill.

Mr. Speaker, passage of this bill is essential for the collection of government revenues necessary to reduce the budget deficit. Although it is an appropriations conference report, H.R. 2622 funds the revenue-producing agencies of the U.S. Government, agencies such as Customs and the Internal Revenue Service.

In addition, I would like to commend the ranking Member, the gentleman from Virginia [Mr. WOLF] on two particular scores. One is the area of asset forfeiture, where he fought a great fight with our chairman for some of the monies that were gathered in drug raids, et cetera. Some of this money is to be set aside for treatment, and it is my hope that there will be enough money to deal with the waiting list for ADAMHA. This would be a drastic change as far as use of asset forfeiture monies, and it is a tribute to the leadership of the gentleman from Virginia [Mr. WOLF].

I also want to commend the gentleman from Virginia for his leadership on the report language concerning the continued use of forced labor in China. I was pleased to work with the gentleman on that. Forced labor produces goods for export to the United States. This practice was courageously documented by Stanford University's Harry Wu on "60 Minutes" last month. Many Members saw this. It is an affront to American workers, who should not be forced to compete against unlimited free and forced labor. I am concerned that customs has not yet seized any prison-made exports from China at United States ports of entry. We know the goods are coming in, and I hope that the agency will step up its efforts to do so.

I would also like to commend the chairman, the gentleman from California [Mr. ROYBAL] for his hard work and fight for nonprofit organizations and charitable organizations in our country, including veterans organizations and other organizations in terms of education in dealing with the elderly and children in America, and in the area of revenue foregone in terms of postal rates for charitable organizations to reach out as one of the thousand points of light. We do not want to snuff them out by prohibiting them from mailing by placing obstacles in terms of price.

Finally, I would like to thank Chairman ROYBAL and the members of the subcommittee for their willingness to craft a compromise on guidelines for preventing the spread of the HIV virus in health care settings. I believe the language in the conference report reflects reason rather than hysteria, and that it gives States the flexibility that is necessary to respond to specific concerns of local health officials who are on the front lines of the fight against AIDS.

Mr. Speaker, I associate myself with the remarks of the gentleman from Colorado [Mr. SKAGGS] about the good work the committee did in rejecting certain harsher language that the Senate sent over to us. I would have preferred no language, but the compromise is one that I commend the committee for crafting.

In closing, I would again like to express my sincere gratitude to Chairman ROYBAL, Chairman WHITTEN, Congressman WOLF, and all the members of the Treasury-Postal subcommittee for their dedication to crafting this important legislation. I urge my colleagues to vote for it.

Mr. Speaker, today the House will address three Senate amendments responding to the concern of the American public regarding HIV-infected health care workers. I am pleased that the House has dropped two punitive proposals offered by Senator HELMS and modified the Dole-Mitchell amendment to give greater flexibility to State public health officials to respond to local needs.

As you know, the centers for disease control [CDC] has investigated a cluster of 5 cases of HIV infection which apparently occurred during dental care in the practice of a Florida dentist. After extensive study, CDC concluded that the precise mechanism of transmission could not be determined. In fact, we will likely never know exactly what happened in the Florida case—although most scientists believe that in cluster cases like this, contaminated equipment is the most likely cause.

It is important to note that the CDC is now in the process of conducting extensive lookback studies of patients treated by HIV-infected surgeons and dentists. After 11 years of this epidemic, not one single case of doctor to patient HIV transmission has been documented.

Mr. Speaker, HIV-infected health care workers are on the front lines of taking care of our AIDS patients. They provide quality care and compassion to people in San Francisco and other cities hard hit by AIDS. These health care workers deserve our respect and our appreciation. Their courage and commitment make a critical difference.

The Nation's response to the cluster cases in Florida has been a triumph of hysteria over science. We cannot let this happen in Congress. We must be cautious to—do no harm. Dropping the Helms amendments and modifying the Dole-Mitchell amendment have restored reason to this public policy debate.

I commend Chairman ROYBAL for his leadership and his staff for their wisdom in insisting on reasonable public policy. I urge my colleagues to support the conference report.

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to engage the distinguished chairman in a colloquy, if I may.

I want to commend the chairman and the gentleman from Virginia [Mr. WOLF] and the entire committee for the leadership role they have taken to improve our Nation's ability to interdict the flow of illegal drugs across our borders. Over the past several years, the Treasury Subcommittee has been instrumental in enabling the United States Customs Service to combat drug smuggling, particularly at the United States-Mexico border, where most of the illegal drugs flow into our country. I believe we can continue to improve our drug interdiction efforts by utilizing creative technologies.

Mr. ROYBAL. Mr. Speaker, if the gentleman will yield, I would like first of all to express my appreciation to the gentleman for his comments and tell the gentleman that I definitely share his desire to improve our drug detection and interdiction capabilities, not only at the border, but any place in the United States.

Mr. LOWERY of California. Well, Mr. Speaker, as the chairman knows, in fiscal year 1991 Congress appropriated $25 million for the Department of Defense and the Customs Service to develop a comprehensive plan for establishing technologies to detect drugs hidden in large cargo containers and trucks. One of these methods is a backscatter x-ray technology that has proven to be effective. DARPA, the Defense Advanced Research Projects Agency, has been working with the Customs Service to employ this technology at the Otay Mesa, California port of entry.

Mr. ROYBAL. Mr. Speaker, if the gentleman will yield further, I am aware that DARPA and customs have been working to demonstrate this technology to detect drugs in trucks and cargo containers at the southwest border. Unfortunately, it is my understanding that DARPA now intends to relocate this project to another location and apply the technology in a different manner.

Mr. LOWERY of California. I share the chairman's concern over this proposal. If this demonstration is to be moved to a location other than the southwest border, to which I personally object to its being moved, I would encourage the commissioner of customs to reprogram funds to complete the test at Otay Mesa or at the very least take steps to fund the project in fiscal year 1993. I would hope the chairman would support this effort.

Mr. ROYBAL. Mr. Speaker, let me assure my colleague that I definitely support this project and urge the Customs Service to complete the demonstration on the southwest border so that we may continue our battle against illegal drugs as effectively as possible.

Mr. LOWERY of California. I thank the chairman for his active support of this program, and for his leadership and thank the entire committee.

Mr. WOLF. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I would like to add my voice in support of H.R. 2622, the fiscal year 1992 Treasury, Postal Service, and general government appropriations bill. As a member who is new to the subcommittee this year, I have found it a privilege to work with the majority and minority members to put together a good bill under difficult conditions, at best. I can see how this conference agreement can easily be referred to as a labor of love.

Although I would have preferred to provide full funding for revenues foregone, I realize the budgetary constraints under which the subcommittee worked placed us in a difficult position. I am gratified the conference report provides, at a minimum, a higher level of funding than was provided in the Senate-passed bill.

I also am very appreciative of the efforts of Chairman ROYBAL and ranking member, Mr. WOLF, on behalf of my amendment to instill more cost-effective procedures in GSA leasing practices in the Omaha, NE—Council Bluffs, IA, metropolitan area. I believe this provision will provide taxpayer saving and a more equitable Federal leasing policy.

In addition, I am pleased the subcommittee was able to resolve differences which arose on several controversial issues, including the FEC funding provision and the Senate-passed HIV regulations. I believe the compromise we reached was the best the conference could achieve in light of tremendous House and Senate differences.

Finally, let me thank the chairman and ranking member for their laudable efforts in achieving this agreement. It has been a great pleasure to work with them.

Mr. ROYBAL. Mr. Speaker, I yield myself such time as I may consume, just time enough, Mr. Speaker, to thank the ranking minority member, the gentleman from Virginia [Mr. WOLF] for the cooperation that he has given the committee as whole and for the work that he has done in making possible, first of all, the completion of the conference and making it possible for us to bring that conference report to the House this afternoon. The gentleman from Virginia [Mr. WOLF] has done an excellent job.

□ 1640

With that, Mr. Speaker, I would also like to thank the other members of the committee who, likewise, have been most cooperative. Without their help and assistance, we of course would not be as far as we are at this moment.

Again, I wish to thank each and every one of them.

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2622, the Treasury, Postal Service and general government appropriations bill for fiscal year 1992. This is the sixth of the 13 annual appropriations conference reports to be considered by the House.

The bill provides $10.824 billion in discretionary budget authority and $11.119 billion in discretionary outlays, which is $76 million in domestic discretionary budget authority and $81 million in domestic discretionary outlays below the 602(b) spending subdivision for this subcommittee.

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

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 3, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 2622, Treasury, Postal Service, and General Government Appropriations Bill for Fiscal Year 1992. This bill could be considered on the floor at any time.

This is the sixth regular Fiscal Year 1992 appropriations bill conference report to be considered. The bill is below the 602(b) subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact Sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102–234)

The House Appropriations Committee filed the conference report for the Treasury, Postal Service and General Government Appropriations Bill for Fiscal Year 1992 on Wednesday, October 2, 1991. This conference report could be considered on the floor at any time.

COMPARISON TO THE 602(B) SUBDIVISION

The conference report provides $10,824 million of discretionary budget authority, $76 million less than the Appropriations 602(b) subdivision for this subcommittee. The conference report is $81 million under the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DOMESTIC SPENDING ALLOCATION

[In million of dollars]

	Treasury, Postal Service and Gen. Government Appropriations bill		Approp. Committee 602(b) subdivision		Bill over (+)/under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	10,824	11,119	10,900	11,200	−76	−81
Mandatory[1]	8,937	9,840	8,937	9,840	.....	.....
Total	19,761	20,959	19,837	21,040	−76	−81

[1] Conforms to the Budget Resolution estimates for existing law.

ABA—New budget authority; O—Estimated outlays.

The House Appropriations Committee reported to the Committee's subdivision of budget authority and outlays in the House Report 102–180. These subdivision are consistent with the allocation of spending responsibility to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Following are major program highlights for the Treasury, Postal Service and General Government Appropriations conference report for Fiscal Year 1992, as reported:

PROGRAM HIGHLIGHTS

[In million of dollars]

	Budget authority	New outlays
Treasury Department:		
Internal Revenue Service	6,674	5,704
Customs Service	1,472	1,217
U.S. Secret Service	475	399
Financial Management Service	232	201
Bureau of Public Debt	189	161
Bureau of Alcohol, Tobacco, and Firearms	336	296
Payment to the Postal Service Fund	470	470
Other Agencies:		
Executive Office of the President	266	189
Federal Building Fund limitation	.....	(4,099)
GSA Management and Administration	30	5
National Archives and Records Administration	152	122
Office of Personnel Management S&E	117	109
Government Payment for Health Benefits (mandatory)	2,504	2,504
Payment to the Civil Service Retirement Fund (mandatory)	6,079	6,079

Ms. SNOWE. Mr. Speaker, I rise in support of the conference committee report on H.R. 2622, the fiscal year 1992 Treasury-Postal appropriations bill. In particular, I want to express my sincere gratitude to the subcommittee chairman, Mr. ROYBAL, and the ranking minority member, Mr. WOLF, for including provisions with the final bill that will clarify how the Federal Government implements its "Buy America" rules.

The technical clarification incorporated within the bill was drafted by the entire Maine congressional delegation, in conjunction with the Office of Management and Budget's Federal Procurement Policy Office, which enforces Buy America requirements, with the subsequent support of the House and Senate conferees on H.R. 2622.

In short, this language will direct the Office of Federal Procurement Policy's Administrator to allow emergency, life-safety systems, like fire alarms, to fulfill existing Buy America requirements, provided that they are discrete systems, are produced, procured, and used as complete systems, and the cost of their components manufactured within the United States exceed 50 percent of the system's total cost.

This clarification was needed because a small manufacturer with a plant in my district that employs more than 400 people, Edwards Manufacturing, was in jeopardy of losing its ability to compete for Federal contracts due to inconsistent enforcement of Buy America requirements. Even though 65 percent of its fire alarms are American-made, Edwards does use a control board component for its systems that is not built in the United States.

As such, Edwards was in danger of being unable to bid on Federal contracts, simply because one component of its alarm systems was considered to violate existing Buy America requirements, notwithstanding the fact that almost two-thirds of its systems are built in America. The technical clarification now included in H.R. 2622 will enable Edwards Manufacturing to continue competing for Federal contracts.

I am pleased that the subcommittee was able to accept this amendment. Doing so will enable Edwards Manufacturing to continue manufacturing its fire alarm systems in plants like the one in Pittsfield, and in doing so provide jobs to more than 400 people in Maine.

Mr. Speaker, in closing, I want to again express my thanks to the subcommittee's chair-

man and ranking minoity member for allowing this technical clarification to be included in the bill.

Mr. ROYBAL. Mr. Speaker, the conference committee has adopted a modified version of the Dole/Mitchell agreement on the CDC guidelines regarding prevention of HIV transmission during exposure-prone invasive procedures. In the version of this amendment that is included in the conference report, the State health officer will certify that the State has instituted measures to prevent such transmission. The conferees anticipate that the enforcement of these preventive measures will be the responsibility of State health officers and not a Federal function.

The language also provides for the ability of the States to issue guidelines equivalent to the CDC guidelines. I know, for instance, that the State of Michigan has convened a special advisory committee on this issue that has recommended a policy for that State. I know that other States are now considering State policies akin to those enunciated in the Occupational Safety and Health Administration guidelines on blood-borne pathogens. It is our full expectation that, in making a determination whether guidelines other than those issued by the CDC are equivalent, the director of the CDC shall consult with the State public health official and take into account State approaches to HIV and hepatitis B infection control and prevention that may be more appropriate to that State.

The CDC guidelines specifically say that mandatory testing of health care workers is not warranted. There is nothing in this provision that can be construed as requiring mandatory testing. The conferees expect that the States will follow the general guidelines of the CDC on this issue.

The language included in the conference report would also allow the CDC flexibility to revise their recommendations as additional scientific evidence becomes available. This provision in no way restricts the CDC from updating their recommendations as additional evidence becomes available. It is my understanding that the CDC is currently involved in followup studies to better determine the risk of HIV transmission during exposure-prone invasive procedures. These followup studies and decisions regarding revised notification recommendations should be made in consultation with State and local health officials.

Let me also assure all Members that this provision in no way limits coverage under the Americans With Disabilities Act for HIV-infected health care workers. For an HIV-infected health care worker whose professional activities are modified to comply with these guidelines, reasonable accommodations must be made which would promote the continued use of the health care worker's knowledge and skills. Clearly discrimination based on misinformation or lack of information should not be tolerated.

The language also provides an exception in the case of emergency situations. The modified amendment provides an exception to the guidelines so that timely application of emergency medical services, as provided in emergency departments, to save a patient's life, limb, or sense organ are not jeopardized in any manner.

Finally, while there has been a great deal of publicity about the investigation of possible HIV infection in a dental practice in Florida, the information about that case is incomplete and will probably never be complete, although many investigators now believe that the case is one of failure in basic infection control and sterilization. As Dr. Koop said recently, we may never know the real circumstances in this case. I do want to make clear for other Members that there have been a number of studies of other HIV-infected surgeons and dentists and that none of these look-back studies has documented even a single case of transmission from a doctor to a patient.

As I understand it, the CDC will continue with such look-back studies and with clear emphasis on sterilization and infection control. These CDC guidelines that have been issued are an effort to err on the side of caution.

Mr. WAXMAN. Mr. Speaker, I would like to commend the distinguished chairman of the subcommittee and the distinguished ranking member for their efforts to deal with the issues of HIV-infected health care workers in the context of the amendments made to this bill by the Senate. The amendment contained in this conference report is a significant improvement, and I thank the conferees for that.

This language makes clear that States have the primary responsibility for this issue and that the promulgation of guidelines should be considered with flexibility. The language also makes clear that other equivalent standards, such as that developed recently by the State of Michigan or those being considered by other States on the basis of OSHA guidelines, could meet this requirement. The amendment makes clear that the enforcement of this policy is left to the States and that no independent Federal role is contemplated or needed. The language also makes clear—as do the CDC guidelines—that no mandatory testing is expected or warranted.

I know that there has been a great deal of pressure to come up with quick fixes and easy answers. I want to thank the chairman, the subcommittee, and the staff for their efforts to come up with the best answers instead.

Mr. McDADE. Mr. Speaker, I rise in support of the conference report on H.R. 2622, the Treasury—Postal Service—general Government appropriations bill for fiscal year 1992.

Mr. Speaker, I would like to commend my dear friend and the chairman of the Treasury—Postal Subcommittee, the gentleman from California [Mr. ROYBAL]. The distinguished chairman has demonstrated the wisdom of Solomon and the patience of Job in coming to agreement with the other body on a most difficult piece of legislation.

Mr. Speaker, I would also like to congratulate the ranking Republican member of the Treasury—Postal Subcommittee, my wise and distinguished colleague, the honorable gentleman from Virginia [Mr. WOLF], for his tireless work on behalf of this legislation. The gentleman serves the committee and the House with distinction, and I am deeply grateful for his dedicated efforts.

The hardest thing about this bill is distributing a scarce allocation of resources to a number of important and deserving programs. The conference committee, however, labored steadily until conflicting priorities were reconciled and an agreement was reached. I might suggest that no one is completely satisfied with the outcome, and that, Mr. Speaker, is often the sign of a fair bill.

Mr. Speaker, the conference agreement is within its 602(b) allocation for budget authority and outlays, and I anticipate that the President will sign the bill. Accordingly, I urge all of my colleagues to endorse the agreement of the conferees and adopt this conference report.

Mr. GALLEGLY. Mr. Speaker, in conjunction with today's vote on the Treasury, Postal Service and general Government appropriations bill, I want to again reiterate my very strong support for a port of entry designation for the Port of Hueneme within the Los Angeles Customs District.

The Port of Hueneme, the only deep water harbor between Los Angeles and San Francisco, is in the middle of a 5-year, $25 million capital improvement program that port officials believe will help boost shipping significantly. Commercial operations now generate approximately $2 million a year in direct and indirect economic benefits in Ventura County, and port officials predict that volume will double within 5 years.

When the Oxnard Harbor District last applied for a port of entry designation in April 1990, the district projected that by fiscal year 1994 the Port of Hueneme would meet and exceed the current criteria of 350 vessel calls. Since April 1990, the Oxnard Harbor District has continued to attract new business to the Port of Hueneme.

Some of the Port's major contracts are with Mazda Motor of America, BMW of North America, Del Monte Tropical Fruit, Turbana Corp., Wallenius Lines, and Cool Carriers. Additionally, the Harbor District has provided an extensive accounting of verifiable projected vessel call activities at the Port.

Mr. Speaker, I urge the Treasury Department to move ahead quickly with a port of entry designation for the Port of Hueneme. This would provide a much needed and significant economic benefit to the county, the State and to the Nation in terms of jobs, personal income, and business revenue. Estimated U.S. Customs duties collected as a result of cargo moving through the port exceeded $88 million in fiscal year 1989 alone. With more and more emphasis being placed on trade with the Pacific rim countries it is essential that we provide the infrastructure necessary to insure an efficient, secure and competitive environment for importing and exporting cargo throughout the United States.

I urge the Treasury Department to consider the facts carefully and move on this designation expeditiously.

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

Mr. ROYBAL. 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.

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

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, October 2, 1991, the amendments in disagreement are considered as having been read. The Clerk will designate the first amendment in disagreement.

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that amendments numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 46, 48, 50, 51, 60, 68, 83, 88, 89, 106, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150 be considered en bloc and printed in the RECORD.

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

There was no objection.

The texts of the amendments enumerated in the foregoing unanimous consent request are as follows:

Senate amendment No. 1: Page 2, line 5, after "certificate;" insert "not less than $2,522,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control;".

Senate amendment No. 13: Page 6, line 18, after "924(d)(2)" insert "; of which $650,000 shall be available solely for improvement of information retrieval systems at the National Firearms Tracing Center; and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms".

Senate amendment No. 20: Page 9, line 4, after "gram" insert ": *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than 17,411 full-time equivalent positions in fiscal year 1992, of which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of 10,480 full-time equivalent positions shall be allocated to commercial operations activities".

Senate amendment No. 22: Page 9, line 15, after "of" insert "marine vessels,".

Senate amendment No. 23: Page 9, line 16, strike out "Program" and insert "and Marine Programs".

Senate amendment No. 32: Page 13, line 19, after "appropriation" insert "upon the advance approval of the House and Senate Committees on Appropriations".

Senate amendment No. 33: Page 13, line 25, after "aircraft;" insert "training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his post of duty; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: Provided, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations;".

Senate amendment No. 34: Page 14, line 2, after "expenses;" insert "not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year;".

Senate amendment No. 35: Page 14, line 2, after "$475,423,000" insert ", of which $2,500,000 shall remain available until expended for renovations at the temporary official residence of the Vice President and $1,600,000 shall remain available until expended for renovations of the New York Field Office; and of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note)".

Senate amendment No. 36: Page 14, line 2, after "$475,423,000" insert ": *Provided further*, That fiscal year 1992 funds shall be available for any Presidential protection assistance reimbursements claimed in fiscal year 1991".

Senate amendment No. 46: Page 16, line 10, after "$250,000" insert ": *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President".

Senate amendment No. 48: Page 17, line 11, after "$8,362,000" insert ", of which $1,100,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114".

Senate amendment No. 50: Page 17, line 19, after "President," insert "to be accounted for solely on his certificate;".

Senate amendment No. 51: Page 17, line 19, after "$324,000" insert ": *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities".

Senate amendment No. 60: Page 21, line 18, after "$1,330,000" insert " , and additional amounts, not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation".

Senate amendment No. 68: Page 25, line 7, after "$5,000,000" insert ": *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects".

Senate amendment No. 83: Page 29, line 5, after "collections" insert "and any other sums".

Senate amendment No. 88: Page 32, line 19, after "3109;" insert " and for the Information Security Oversight Office established pursuant to Executive Order 12356;".

Senate amendment No. 89: Page 32, line 23, strike out "$34,994,000" and insert "$35,994,000, of which not to exceed $2,400,000 shall remain available until expended for procurement and installment of an automation program in support of audits and investigations: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness".

Senate amendment No. 106: Page 34, after line 21, insert:

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor-vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts for goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1992. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $116,593,000, of which not less than $600,000 shall be made available for the establishment of Federal health promotion and disease prevention programs for Federal employees; and in addition $79,757,000 for admin-

istrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs: *Provided further*, That amounts authorized to be transferred from the appropriate trust funds for implementation of the Federal Employees' Retirement System automated recordkeeping system in this or prior Acts, may be transferred at any time the Office of Personnel Management deems appropriate: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1992, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not to exceed $253,000, to the National Advisory Council on the Public Service as established by the Public Law 101-363, and of the funds appropriated to the Office of Personnel Management under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1991, the Director may transfer an amount to be determined, but not to exceed $84,000, to such Council, notwithstanding any other provision of this Act, to be available for expenditure no later than September 30, 1991.

Senate amendment No. 112: Page 36, after line 16, insert:

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

SECTION 1. The allowances provided to employees at rates set under section 5941 of title 5, United States Code, and Executive Order Numbered 10000 as in effect on the date of the enactment of this Act may not be reduced during the period beginning on the date of the enactment of this Act through December 31, 1995: *Provided*, That no later than March 1, 1995, the Office of Personnel Management shall conduct a study and submit a report to the Congress proposing adjustments to the methodology for calculating allowances which take into account all costs of living in the geographic areas of the affected employees.

Senate amendment No. 113: Page 38, line 12, strike out "$33,050,000" and insert "$32,050,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge".

Senate amendment No. 126: Page 51, after line 23, insert:

SEC. 605. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

Senate amendment No. 127: Page 51, after line 23, insert:

SEC. 606. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

Senate amendment No. 129: Page 51, after line 23, insert:

SEC. 608. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

Senate amendment No. 130: Page 51, after line 23, insert:

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Senate amendment No. 131: Page 51, after line 23, insert:

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Senate amendment No. 132: Page 51, after line 23, insert:

SEC. 611. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Senate amendment No. 133: Page 51, after line 23, insert:

SEC. 612. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

Senate amendment No. 134: Page 51, after line 23, insert:

SEC. 613. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

Senate amendment No. 135: Page 51, after line 23, insert:

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Senate amendment No. 136: Page 51, after line 23, insert:

SEC. 615. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

Senate amendment No. 137: Page 51, after line 23, insert:

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1992, or September 30, 1993, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1991, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds

the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1992, and that portion of fiscal year 1993, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1993, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1992, under section 5303 of title 5, United States Code.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1991, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1991, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1991.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

Senate amendment No. 138: Page 51, after line 23, insert:

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

Senate amendment No. 139: Page 51, after line 23, insert:

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

Senate amendment No. 140: Page 51, after line 23, insert:

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

Senate amendment No. 141: Page 51, after line 23, insert:

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1992 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

Senate amendment No. 142: Page 51, after line 23, insert:

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

Senate amendment No. 143: Page 51, after line 23, insert:

SEC. 622. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

Senate amendment No. 144: Page 51, after line 23, insert:

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

Senate amendment No. 145: Page 51, after line 23, insert:

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, or section 607 of this Act, funds made available for fiscal year 1992 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Number 12472 (April 3, 1984).

Senate amendment No. 146: Page 51, after line 23, insert:

SEC. 625. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1992, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartments: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

Senate amendment No. 147: Page 51, after line 23, insert:

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

Senate amendment No. 149: Page 51, after line 23, insert:

SEC. 628. (a) Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the School District of Charleston County, South Carolina, a deed releasing the reversionary interest held by the United States to the property identified in paragraph (b).

(b) All that lot, piece or parcel of land, situated, lying and being on the west side of Chisolm Street, in ward 2, in the city of Charleston, County of Charleston, and State of South Carolina.

Measuring and containing in front on Chisolm Street 100 feet, and the same on the west or back line, and in depth on the northernmost line from east to west 150 feet and ½ inch, and the same on the southenmost line—be all the said dimensions a little more or less.

Butting and bounding to the north on lands now of Anderson Lumber Company, formerly of Mrs. E.C. Rennecker; east on Chisolm Street aforesaid; south on part of the original tract of land owned by the said A.B. Murray and West Point Mills Company, now reserved by the said grantors, and west on another part of the said original tract, formerly belonging to the said A.B. Murray and West Point Mills Company, and conveyed by them to the United States of America.

The said lot of land hereby conveyed being the northernmost portion of that portion of the Chisolm's Mills Property, reserved by the A.B. Murray and West Point Mills Company after conveyance of the greater part of the said Chisolm's Mills property to the United States of America, by Deeds which are recorded and may be seen in book U-24, page 582 and page 585 in the R.M.C. Office for Charleston County, and all of which is more fully shown and delineated on a plat of the said Chisolm's Mills Property, dated April 23, 1914, and made and certified to by H.D. King, Inspector, United States Light House Department, which said plat is on record in plat book C, page 97, in the R.M.C. Office for Charleston County.

Being the same premises which were conveyed to the United States of America by deed of Andrew B. Murray dated October 23, 1916, and recorded in the Office of the R.M.C. for Charleston County in book U-24, page 587, and by deed of West Point Mill Company, dated November 20, 1916, and recorded in said office in book U-24, page 589.

Senate amendment No. 150: Page 51, after line 23, insert:

SEC. 629. NEW COLLEGE OF CALIFORNIA, INC.

(a) RELEASE OF REVERSIONARY INTEREST.—Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the New College of California, Inc., a deed releasing the reversionary interest held by the United States to the property described in subsection (b).

(b) PROPERTY DESCRIPTION.—For the purpose of subsection (a), the property, sometimes known as 50 Fell Street, is described as: A parcel of land situated in the City and County of San Francisco, State of California, said parcel being described in the Judgment on Declaration of Taking entered 11 March 1946 in Civil Action No. 25791 in the District Court of the United States in and for the Northern District of California, Southern Division, which was filed March 22, 1946, in the Office of the Recorder, City and County of San Francisco, California. Beginning at a point on the northerly line of Fell Street distant therefrom 100 feet easterly from the easterly line of Van Ness Avenue and running thence easterly along said line of Fell Street 109 feet; thence at a right angle northerly 120 feet; thence at a right angle westerly 109 feet; thence at a right angle southerly 120 feet to the Point of Beginning, being a portion of Western Addition, Block No. 69, and known on the assessor's map as Lot 10, Block 814, City and County of San Francisco, California, containing 0.30 acres more or less. Improvements: One L-shaped Spanish-type building containing 27,020 square feet more or less.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendments of the Senate numbered 1, 13, 20, 22, 23, 32, 33, 34, 35, 36, 46, 48, 50, 51, 60, 68, 83, 88, 89, 106, 112, 113, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, and 150, and concur therein.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 5, line, 15, strike out "$189,195,000" and insert "$228,968,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: "$231,500,000".

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 6, line 8, after "Director;" insert "for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty;".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"For payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: *Provided*, That notwithstanding the provision of title 31, United States Code section 1342, the Bureau of Alcohol, Tobacco, and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine [OIV] in the United States in 1993. The Bureau of Alcohol, Tobacco, and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco, and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: *Provided further*, That".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California, [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore (Mr. STUDDS). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 9, line 17, strike out "$109,432,000" and insert "$176,932,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following:

"$175,932,000, of which $14,500,000 shall not be obligated prior to September 30, 1992".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 9, after line 21, insert:

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities construction, improvements, and related expenses of the United States Customs Service Air Interdiction Program, $26,600,000, to remain available until expended.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$12,100,000".

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 11, line 14, strike out "$144,503,000" and insert "$141,653,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 27, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$141,372,000".

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 12, line 14, strike out "$3,606,124,000" and insert "$3,582,485,000, of which not less than $292,248,000 and 4,293 full-time equivalent positions shall be available for Tax Fraud Investigations during fiscal year 1992: *Provided*, That such sums and positions for Tax Fraud Investigations shall be in addition to such sums and positions funded by transfer from the Special Forfeiture Fund of the Office of National Drug Control Policy".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$3,579,879,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 31: Page 13, line 13, after "projects" insert ": *Provided*, That of the $427,323,000 provided for tax systems modernization, up to $15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 31, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

": *Provided*, That of the $427,323,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally-funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: *Provided further*, That of the amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 38: Page 14, after line 22, insert:

SEC. 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that

the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that amendments Nos. 39, 92, 93, 94, 95, 96, 97, 98, 99, 101, 115, 119, 121, 122, 123, and 154 be considered en bloc and printed in the RECORD.

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

There was no objection.

The texts of the amendments enumerated in the foregoing unanimous consent request are as follows:

Senate amendment No. 39: Page 14, after line 22, insert:

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

Senate amendment No. 92: Page 33, after line 25, insert:

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

Senate amendment No. 93: Page 33, after line 25, insert:

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Senate amendment No. 94: Page 33, after line 25, insert:

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Senate amendment No. 95: Page 33, after line 25, insert:

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1992 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Senate amendment No. 96: Page 33, after line 25, insert:

SEC. 5. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

Senate amendment No. 97: Page 33, after line 25, insert:

SEC. 6. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

Senate amendment No. 98: Page 33, after line 25, insert:

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

Senate amendment No. 99: Page 33, after line 25, insert:

SEC. 8. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

Senate amendment No. 101: Page 33, after line 25, insert:

SEC. 10. The Administrator of General Services shall submit to the Congress no later than September 30, 1992, an inventory of all the real property in Hawaii that is owned or controlled by any agency of the Federal Government, including the United States Department of Defense: *Provided*, That the Administrator of General Services shall submit an interim report no later than June 1, 1992 and shall compile all information including that received from the United States Department of Defense: *Provided further*, That the State of Hawaii shall cooperate to the fullest extent in the preparation of the inventory: *Provided further*, That the inventory shall identify and include: (1) ceded lands—title vested in the then territory of Hawaii, and nonceded territorial lands, title vested in the then territory of Hawaii; (2) ceded lands, title vested in the United States, but controlled and used by the then territory of Hawaii; (3) ceded lands formally setaside by Presidential executive orders for use by the United States Government; (4) then territorial lands formally set aside by gubernatorial executives orders for use by the United States Government; (5) ceded lands under the control of the then territory of Hawaii, but used by the United States Government under permits and licenses; (6) nonceded lands and private lands acquired and used by the United States Government: *Provided further*, That for each property identified, the inventory shall provide: (1) an explanation of how the land was acquired, including the date of acquisition, the history and the current status of the title, an identification of all current encumbrances and leases, the expiration date of all leases, contracts and other agreements, and a record of the ceded lease fee or any other sums paid for the use of or title to the land: (2) the identity of past and present Federal users of the land, and a description of past and current use specifying which United States Government agency or department of the military has control of the property; (3) the obligations of the controlling United States Government agency or department of the military for the management and maintenance of the land.

Senate amendment No. 115: Page 48, after line 8, insert:

SEC. 523. (a)(1) In the cases of all appropriations accounts within this Act, with the exception of the Committee for Purchase from the Blind and Other Severely Handicapped, salaries and expenses, from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1992 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as of October 1, 1991,

(B) be planned to be obligated for such expenses after such date during fiscal year 1992, and

(C) result in total outlays of $15,733,000 in fiscal year 1992.

(2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1992, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

(b) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (a).

Senate amendment No. 119: Page 50, after line 11, insert:

SEC. 527. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still

qualified to perform the duties of his former position and has not been restored thereto.

Senate amendment No. 121: Page 50, after line 11 Insert:

SEC. 529. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

Senate amendment No. 122: Page 50, after line 11, insert:

SEC. 530. Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) in the first sentence by inserting "or at an airport facility used for travel en route to or from such property" after "Public Law 94-524,";

(2) in the fourth sentence by inserting after "$300,000", "at the one nongovernmental property, and $70,000 at the airport facility,"; and

(3) by adding at the end thereof the following after "Governments": ": Provided further, That the airport facility is wholly or partially located in a municipality or political subdivision of any State where the permanent resident population is 7,000 or less, the airport is located within 25 nautical miles of the designated nongovernmental property, and where the absence of such Federal assistance would place an undue economic burden on the affected State and local governments".

Senate amendment No. 123: Page 50, after line 11, insert:

SEC. 531. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefore in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

Senate amendment No. 154: Page 51, after line 23, insert:

SEC. 633. (1) Pursuant to its authority under section 994 of title 28, United States Code, the Sentencing Commission shall promulgate guidelines, or amend existing or propose guidelines as follows:

(A) Guideline 2G2.2 to provide a base offense level of not less than 15 and to provide at least a 5 level increase for offenders who have engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

(B) Guideline 2G2.4 to provide that such guideline shall apply only to offense conduct that involves the simple possession of materials proscribed by chapter 110 of title 18, United States Code and guideline 2G2.2 to provide that such guideline shall apply to offense conduct that involves receipt or trafficking (including, but not limited to transportation, distribution, or shipping).

(C) Guideline 2G2.4 to provide a base offense level of not less than 13, and to provide at least a 2 level increase for possessing 10 or more books, magazines, periodicals, films, video tapes or other items containing a visual depiction involving the sexual exploitation of a minor.

(D) Section 2G3.1 to provide a base offense level of not less than 10.

(2)(A) Notwithstanding any other provision of law, the Sentencing Commission shall promulgate the amendments mandated in subsection (1) by November 1, 1991, or within 30 days after enactment, whichever is later. The amendments to the guidelines promulgated under subsection (1) shall take effect November 1, 1991, or 30 days after enactment, and shall supercede any amendment to the contrary contained in the amendments to the sentencing guidelines submitted to the Congress by the Sentencing Commission on or about May 1, 1991.

(B) The provisions of section 944(x) of title 28, United States Code, shall not apply to the promulgation or amendment of guidelines under this section.

MOTION OFFERED BY MR. ROYBAL

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendments numbered 39, 92, 93, 94, 95, 96, 97, 98, 99, 101, 115, 119, 121, 122, 123, and 154 and concur therein with amendments.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 14, after line 22, insert:

SEC. 103. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is $52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for Processing Tax Returns and Assistance is $1,657,944,000.

Mr. WOLF. (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 15, line 7, strike out [$649,301,000] and insert:

$383,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 362(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former sections 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules." : *Provided further*, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,"; *Provided further*, That second-class in-county preferred mail shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992: *Provided further*, That third-class non-profit mail rates in effect on the date of enactment of this Act, with the exception of pieces other than letter shape not increase during fiscal year 1992 as a result of this appropriation and the United States Postal Service Board of Governors are instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation against future year appropriations requests: *Provided further*, That notwithstanding the provisions of section 3624(c) and 3641(a) of title 39, United States Code, the Postal Service, in any proceeding it initiates under section 3622(a) of title 39, United States Code, for the sole purpose of increasing rates for third-class nonprofit mail other than letter shape, may place temporary rate changes into effect, as provided in the last sentence of section 3641(a) of title 39, upon such date as it may

determine but in no case, less than 20 days following the filing of its request with the Postal Rate Commission

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

$470,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former section 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules."

: *Provided further*, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,": *Provided further*, That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted not to exceed 2.2 cents per piece; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this provision against future year appropriations request: *Provided further*, That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case in less than 20 days following the date of enactment of this Act: *Provided*

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 52: Page 18, line 18, after "$235,000" insert ": *Provided*, That such funds shall only be used in support of work undertaken in collaboration and in close cooperation with the National Security Council, as authorized by Public Law 98-373: *Provided further*, That in the performance of this requirement, the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimburseable basis".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 52, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Provided, That the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 19, line 5, strike out "$50,470,000" and insert "$53,434,000, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further*, That none of the funds made available by this or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcohol beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings, or forms promulgated thereunder".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 53, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment insert the following: "$51,934,000".

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 55: Page 19, lines 21 and 22, strike out "of which $1,000,000 shall support the Counternarcotics Technology Assessment Center" and insert "of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $10,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 55, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 19, line 25, strike out "$50,000,000" and insert $85,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$86,000,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 57: Page 20, line 3, strike out all after "Areas" down to and including "1992" in line 6 and insert ": *Provided*, That of the $85,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each high intensity drug trafficking area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than $35,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, the Department of the Treasury is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 57, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That of the $86,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than $36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, The Department of the Treasury is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 20, line 10, strike out "$77,000,000" and insert "$67,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$52,500,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 59: Page 20, line 11, strike out all after "Fund;" down to and including "expenses" in line 20, and insert "of which $10,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration's Office of Substance Abuse Prevention for implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities; of which $10,000,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 100 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $5,000,000 shall be transferred to the United States Secret Service for the hiring, equipping and training of an additional 32 full-time equivalent special agents and 22 full-time equivalent support and administrative positions for West African counter-drug task forces; of which $28,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, of the hiring, equipping, and training of an additional 200 full-time equivalent special agents and 100 full-time equivalent support and administrative positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $14,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities, to remain available until expended".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 59, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "of

which $19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided*, That $10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: *Provided further*, That $9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which $7,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research to remain available until expended: *Provided further*, That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of $131,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists; expanding drug treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 22, line 10, before "The" insert "For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $301,000,000 to be deposited into said Fund.".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 62, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert the following: "$271,000,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 65: Page 23, line 9, strike out "$4,131,346,000" and insert "$4,037,836,276".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 65, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$4,152,613,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 66: Page 23, line 10, strike out "$371,416,000" and insert "$385,104,276".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 66, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$548,482,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 67: Page 23, strike out all after line 14 over to and including line 7 on page 25, and insert:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, $11,047,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Augusta, U.S. Courthouse, $3,500,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Food and Drug Administration, consolidation, site acquisition, planning and design, $200,000,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building U.S. Courthouse Annex, design and site acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, Grove Arcade Federal Building, $29,790,876

Tennessee:

Knoxville, U.S. Courthouse—Post Office, $36,616,000

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 67, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation $11,047,000

Orange County, Courthouse, $250,000

District of Columbia:

U.S. Secret Service (consolidation), $4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000
Georgia:
Albany, U.S. Courthouse, design, $921,000
Atlanta, Centers for Disease Control, $5,000,000
Augusta, U.S. Courthouse, $3,500,000
Indiana:
Hammond, Courthouse and Federal Building, $5,000,000
Kansas:
Wichita, U.S. Courthouse, $9,968,400
Maine:
Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000
Maryland:
Bureau of the Census, Computer Center, planning and design, $2,700,000
Montgomery and Prince Georges Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $200,000,000
Prince Georges County, U.S. Courthouse, $10,747,000
Massachusetts:
Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000
Minnesota:
Minneapolis, Federal Building and U.S. Courthouse, $19,000,000
Missouri:
St. Louis, Federal Building and U.S. Courthouse, $30,000,000
Nevada:
Reno, C. Clifton Young Federal Building, United States Courthouse Annex, design and site acquisition, $6,321,000
New York:
Brooklyn, U.S. Courthouse, $10,000,000
North Carolina:
Asheville, U.S. Courthouse and Federal Building, $29,791,000
Tennessee:
Knoxville, U.S. Courthouse-Post Office $36,616,000
United States Virgin Islands:
Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, $8,524,000
West Virginia:
Beckley, Federal Building and U.S. Courthouse, $25,000,000
Nonprospectus Construction Projects, $5,000,000

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 25, strike out lines 8 to 15, and insert ": *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 69, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: ": *Provided further*, That the General Services Administration shall reprogram up to $16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further*, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 28, line 20, strike out "$266,331,000:" and insert '$270,000,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 71, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$266,331,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date;".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 29, line 3, strike out "$143,072,000" and insert "$114,874,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 80, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$112,273,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 29, line 5, after "expended" insert ": *Provided further*,

That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia, U.S. Courthouse; the Augusta, Georgia, U.S. Courthouse; the Wichita, Kansas, U.S. Courthouse; the Portland, Maine, Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada, C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina, Grove Arcade Federal Building; the Knoxville, Tennessee, U.S. Courthouse—Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building, shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 81, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration, shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia, U.S. Courthouse; the August, Georgia, U.S. Courthouse; the Wichita, Kansas, U.S. Courthouse; the Portland, Maine, Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada, C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina, U.S. Courthouse and Federal Building; the Knoxville, Tennessee, U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; and the Maryland, U.S. Census Bureau Computer Center; the District of Columbia, U.S. Secret Service consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)), and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 84: Page 29, line 9, strike out "$4,131,346,000" and insert "$4,037,836,276".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 84, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$4,152,613,000".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 32, line 11, strike out "$31,421,000" and insert "$30,431,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 87, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$31,155,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 91: Page 33, strike out lines 18 to 25.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 91, and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the appropriate authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 33, after line 25, insert:

SEC. 9. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collections, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 100, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 33, after line 25, insert:

SEC. 11. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 102, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

SEC. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

SEC. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed $7,00,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

SEC. 16. After certification by the City of Des Moines, Iowa (the City), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the City, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the Land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, the Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the City, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

SEC. 17. Notwithstanding any other provision of law, funds previously provided under this heading in P.L. 101-136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: Provided, That the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: Provided further, That Section 16, GSA General Provisions, P.L. 101-136, is hereby repealed:

SEC. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is $1,071,372,000.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 110: Page 35, line 12, after "Management" insert ", as determined by the Inspector General".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 110, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ", as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that

the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 118: Page 50, strike out lines 3 to 11.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 118, and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 120: Page 50, after line 11, insert:

SEC. 528. (a) None of the funds appropriated by this or any other Act for activities of the Department of the Treasury enacted before December 31, 1995, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, may be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to an employment position outside such region, or to accompany an employment position outside such region, pursuant to a transfer of the operations or functions of the Bureau to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply if, after the date of enactment of this Act, the Department of the Treasury has established a program under which an individual referred to in subsection (a) has been provided—

(1) outplacement services, including employment counseling assistance, employment referral assistance, and assistance in the preparation of employment applications or resumes;

(2) notification of existing vacancies in employment positions in other departments and agencies of the Federal Government within the Washington Metropolitan region, which positions have a status and pay similar to that of the position held by the individual at the Bureau of the Public Debt;

(3) in the case of an individual who seeks employment in a position referred to in clause (2), such training as the Secretary of the Treasury determines is necessary to qualify such individual for employment in the position; and

(4) any other assistance and training that the Secretary determines to be necessary or advisable.

(c)(1) Any individual referred to in subsection (b) who, within five years after the date of enactment of this Act, submits an application for employment in a position of employment in a department or agency of the Federal Government for which the individual is qualified shall be given preference over similarly qualified applicants for the position.

(2) The Secretary of the Treasury shall take such actions as are necessary to notify the individuals referred to in subsection (b) and the relevant officers of the departments and agencies of the Federal Government of the entitlement referred to in paragraph (1).

(d) Notwithstanding any other provision of law, if any vacancy arises in a position of employment at the Bureau of the Public Debt in the Washington Metropolitan Region during the period referred to in subsection (c)(1), the Secretary of the Treasury shall make such position available to any individual referred to in subsection (b) who is qualified to perform the duties of the position.

MOTION OFFERED BY MR ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 120, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in Subsection (a) shall commence on or before September 30, 1992, and shall be complete by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to an individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 128: Page 51, after line 23, insert:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Loatian refugees paroled in the United States after January 1, 1975: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 128, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the serv-

ice of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Loatian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 148: Page 51, after line 23, insert:

SEC. 627. Section 4521 of chapter 45, title 5, United States Code, is amended by deleting "5949(a)." at the end of the sentence and inserting in lieu thereof, "section 402 and section 405(b) of this Act."

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 148, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 627. Section 4521 of title 5, United States Code, is amended to read as follows:

"Section 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) A law enforcement officer within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

"(2) A member of the United States Secret Service Uniformed Division;

"(3) A member of the United States Park Police;

"(4) A special agent in the Diplomatic Security Service;

"(5) A probation officer (referred to in section 3672 of title 18); and

"(6) A pretrial services officer (referred to in section 3153 of title 18).".

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 51, after line 23, insert:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 152: Page 51, after line 23, insert:

SEC. 631. The General Accounting Office shall conduct a study of the manner in which the Internal Revenue Service's small defined benefit plans actuarial audit program is being conducted: *Provided*, That the General Accounting Office shall report to the Congress within 45 days on the results thereof.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 152, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 631. Notwithstanding any other provision of law, sick leave provided by section 6307 of Title 5, United States Code, may be approved for purposes related to the adoption of a child in order to test the feasibility of this concept during fiscal year 1992.

SEC. 632. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

POINT OF ORDER

Mr. ACKERMAN. Mr. Speaker, I have a point of order against the amendment offered by the gentleman from California [Mr. ROYBAL].

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ROYBAL. Mr. Speaker, I yield the point of order.

The SPEAKER pro tempore. The Chair would appreciate the gentleman's allowing the point of order to be stated.

The gentleman from New York [Mr. ACKERMAN] will be heard on his point of order.

Mr. ACKERMAN. Mr. Speaker, I raise a point of order against the amendment on the ground that the amendment is nongermane to Senate amendment numbered 152. The Senate amendment required the General Accounting Office to conduct a study of a certain IRS program. The amendment of the gentleman from California authorizes the use of sick leave by Federal employees for purposes related to the adoption of a child and clarifies a Federal acquisition regulation with respect to the Buy America Act. The gentleman's amendment clearly is unrelated to Senate amendment numbered 152.

Mr. WOLF. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman may be heard on the point of order.

Mr. WOLF. Mr. Speaker, the purpose of this amendment is to enable moms,

and dads, and parents who work for the Federal Government to be able to use their sick leave. If one works for the Federal Government, and they are going to have a child, they can use their sick leave, and I just wanted the gentleman from New York [Mr. ACKERMAN] to know. Maybe he can share something with me. We did write and tell him that was in the bill, and I understand his right to object, but will there be a chance that we may move this legislation before the end of this Congress, and, if so, would there be an opportunity for a retroactivity clause because I know there are some in the process that are trying to adopt?

Mr. ACKERMAN. Mr. Speaker, if the gentleman did indeed write to tell us that this would be a provision, I must advise the gentleman that certainly we are in receipt of no such document. As the gentleman knows, we are fully aware and cognizant of the intent and have on this floor not too many months ago raised the point of order to this provision as it was legislating on an appropriations bill on June 17, if recollection serves me well. The gentleman then extracted a concession from me on the floor. I gave my word that I was supportive of it, told him that I would put it together with an amendment that I also objected to that was offered by a Member from this side, that I would expeditiously put together a bill, which I have, and the gentleman is aware of it because he is a cosponsor, and that we would be holding hearings on that bill, and that we will get it to the floor as quickly as possible. The gentleman agreed at that time to handle it in that fashion.

What has happened in the interim, Mr. Speaker, kind of puzzles me and boggles my mind in that suddenly a piece of legislation, certainly not germane to the House legislation because it was not part of our bill, not germane in the Senate because it was not a part of their original bill, suddenly is on the conference upon which the gentleman is the ranking minority member, suddenly appears in the document much to my surprise. We have been waiting to hold a hearing, and perhaps the gentleman could be influential with the administration in that they have not provided and I have asked until November to supply information on this.

So, could the gentleman be helpful on that?

Mr. WOLF. Mr. Speaker, I would do that, and, if I may, I will tell the gentleman two other things.

Mr. Speaker, my staff called his staff, talked to his staff. Second, we sent a letter, and I will make sure he gets a copy. It was signed the other day, and I put a note on it. It did not go to the gentleman's office, but we will find it for him. I understand this was such a popular program that all the countries want it, and the concern was it was expiring at the end of the fiscal year.

But I take the gentleman from New York [Mr. ACKERMAN] at his word. If we could make it retroactive for those who are in the process of adopting, that will be helpful.

□ 1700

I will call the administration and get the report for you.

Mr. ACKERMAN. Mr. Speaker, we would like to see the cooperation of the administration. We would very much like to see the letter. Our staff has no recollection, and was very surprised. I called them on the floor when I was notified that would be brought up.

Mr. ROYBAL. Mr. Speaker, the point of order made by the gentleman from New York [Mr. ACKERMAN] is well taken, and I concede the point of order.

The SPEAKER pro tempore (Mr. STUDDS). The point of order is conceded and sustained.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the senate numbered 152, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 632. Notwithstanding any other provision of law, the Administrator of the office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials," and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, I would just like to elicit from the gentleman from California [Mr. ROYBAL] what he is attempting to do here.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I believe this is a separate amendment that has nothing to do with the subject matter that is before us. If that is correct, then I think we have to proceed with the conference as originally intended.

Mr. ACKERMAN. Mr. Speaker, the explanation of the chairman is certainly more than satisfactory.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 155: Page 53, after line 7, insert:

SEC. 634. (a) Notwithstanding any other provision of law, a State shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary that such State has in effect regulations, or has enacted legislation, to adopt the guidelines issued by the Centers for Disease Control concerning recommendations for preventing the transmission, by health care professionals, of the human immunodeficiency virus and the hepatitis B virus to patients during exposure prone invasive procedures. Such regulations or legislation shall apply to health professionals practicing within the State and shall be consistent with Centers for Disease Control guidelines and Federal law. Failure to comply with such guidelines, except in emergency situations when the patient's life is in danger, by a health care professional shall be considered as the basis for disciplinary action by the appropriate State licensing agent.

(b) Except as provided in subsection (c), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided.

(c) The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State if—

(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a), and

(2) the State legislature of such State meets on a biennial basis and has not met within the 1-year period beginning on the date of enactment of this Act.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 155, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 634. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State

guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on the conference report on H.R. 2622 just agreed to.

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

There was no objection.

PRIVILEGES OF THE HOUSE—OPERATION OF HOUSE BANK

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 236) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

Whereas, Audits by the General Accounting office have raised questions concerning the operation of the Bank in the office of the Sergeant-at-Arms, therefore be it

Resolved, That as soon as practicable but no later than December 31, 1991, the Office of Sergeant-at-Arms shall cease all bank and check cashing operations, be it further

Resolved, That the House of Representatives directs the General Accounting Office to provide to the House Committee on Standards of Official Conduct copies of the two most recent audits of the Sergeant-at-Arms Bank and the supporting work papers, be it further

Resolved, That the Committee on Standards of Official Conduct, or a subcommittee of the Committee designated by the Committee and appointed by the Chairman and ranking Minority Member are hereby instructed to review those audits, and the operation of the Sergeant-at-Arms Bank for the period of time covered by those audits through the present and to determine whether the operation of the Bank or the use of the Bank facilities by Members, Officers, employees, or other individuals presents questions of potential violation of the Rules of the House or any other applicable standards of conduct. In making this determination, the committee should consider:

(1) Whether Members, Officers, employees, or others abused the banking privileges by routinely and repeatedly writing checks for which their accounts did not have, by a significant amount, sufficient funds on deposit to cover;

(2) The Bank's practices with respect to nonaccount holders or checks not written on House Bank accounts transacted at the Bank's facilities; and

(3) The general operation and management of the bank by the Sergeant-at-Arms and his employees.

If in reviewing the audits and practices of the bank the Committee determines that any individual Member's, Officer's or employee's conduct constituted a possible violation of the rules of the House or any other applicable standard of conduct should consider the initiation of an inquiry respecting that Member, Officer or employee, if appropriate.

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the privileged resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The resolution states a question of privilege. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

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

Mr. Speaker, with the cooperation and assistance of the distinguished minority leader, Mr. MICHEL, I am offering a resolution today that speaks to the issue that has unfortunately but understandably hung over this institution for about 2 weeks. It is an issue that has humbled us, and I hope made us wiser. It is an issue that calls for action, and today we respond.

Simply and directly, our resolution calls for the closing of the House Bank. It ensures that Members of Congress do their banking as their constituents do. And it begins an inquiry by the Committee on Standards of Official Conduct that could lead to disciplinary action against Members or other individuals. The resolution says we are going to take responsibility: Close the bank, reform the system, and demand accountability.

I appreciate, as all Members do, the public reaction to this regrettable episode. But I think the public needs also to appreciate our reaction. Both Democrats and Republicans want this practice stopped. And, if the body approves the resolution, we will be doing exactly that. The public should also be aware that no taxpayer funds were used to cover insufficiencies. The funds of other Members of Congress were employed to that end. Those are the facts, but the facts are enough for us to take further action.

Let me review the content of the resolution section by section. The first resolved clause ends the operation of the bank. As Members can appreciate, since there are individuals financial transactions presently being processed by the bank, the bank is committed to engage in closedown operations until the end of this calendar year, or as soon as the bank can be practicably closed.

In the interim, the bank will be in communication with all Members to work out arrangements to transfer the Member's banking to federally regulated financial institutions of their choice. This will ensure that Members are treated in precisely the same fashion as all other Americans.

The second resolved clause simply directs the GAO to provide the relevant documents to the House Committee on Standards of Official Conduct.

The last resolved clause instructs the committee to conduct a thorough review of those audits and the operation of the Sergeant-at-Arms bank. Specifically, the committee is being instructed to determine whether Members, officers, employees, or others abused the banking privileges extended by the House in an intentional and knowing manner by consistently writing checks on accounts in which there were insufficient funds.

Only in those instances will the Standards Committee be asked to look at the conduct of individual Members.

Let me explain what I mean. We do not presume that any Members' conduct is such that an ethics inquiry is warranted.

What we know is that it is appropriate to change the way the House extends banking services to its membership and to review the results of the audits done by the General Accounting Office. It may be that when it concludes its review of the audits the Standards Committee may determine in its discretion to review the conduct of one or more individuals.

What we are talking about is not the inadvertent or occasional instance in which a Member, like anyone else, may have caused a check to be presented on an account with insufficient funds. In those instances, the question that has been raised was whether Members were being treated in a manner that other citizens were not.

Specifically, the question was raised as to why no nominal fee was being assessed against the Member's account. That practice has been ended, today and for all time, by the interim steps ordered by the Speaker of the House last month, and by our termination of

the banking services of the Sergeant-at-Arms effected by this resolution.

Rather, what the resolution calls upon the Standards Committee to look at is whether any Member, officer, or employee, was so abusive in using the bank that their conduct should be considered a violation of the Rules of the House or any other applicable standard of conduct.

This concern would arise if there were any instances in which an individual, knowing that there were insufficient funds in his account, routinely and repeatedly wrote checks that exceeded by a significant amount their funds on deposit. And these are the practices, if they occurred, that we are asking the committee to look at and determine whether any violation of the rules or other applicable standards of conduct occurred.

Before I yield to Mr. MICHEL, let me say, I know that Members of Congress want to do what is right. By closing the bank, and referring these matters to the Standards Committee, I believe Members are responding appropriately to the damage this incident has caused the institution.

As I said earlier, this resolution says we are going to take responsibility: Close the bank, reform the system, and demand accountability. The resolution does that.

□ 1710

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I wish that it was not necessary for the majority leader and I to be offering this kind of a resolution here today. It is one of those matters that has plagued the House and a most distasteful manner with which to deal when it comes to this institution and how it is run or how its Members equip themselves in this institution from time to time.

I strongly support the resolution. It is unmistakably clear that the American people see these check-bouncing incidents as an intolerable exercise in arrogance or worse, and although I personally never bounced a check in or out of the House bank, I do not look upon this situation with smugness or disinterest.

To the contrary, as I think I have indicated in my opening sentence, I am saddened that this great institution should be subjected to this most recent incident, in a series of incidents, involving bad judgment and worse on the part of some of our Members.

The resolution certainly follows the general principles of a draft of a similar resolution that we presented to the Speaker earlier and have refined the language to the degree that the majority leader and the Speaker and I can be in agreement on it. It is absolutely clear that in this case nothing less than an investigation by the Committee on Standards of Official Conduct is warranted. The investigation will be directed not only towards the Members or non-Members who abuse the system, it also asks the committee to look into the operations of the Sergeant-at-Arms Office in regard to the bank.

May I say here, I have been a Member of this House now for 35 years. The House bank was one of those things that, even as a staff member 8 years prior to my even being elected on my own, was used occasionally by staff for the cashing of checks.

I think it is probably a misnomer to have ever referred to it as a bank because it really did not operate that way. It was more of a cooperative.

As I indicated, I have never been short on my account. I have undoubtedly, as reminded by several of my close associates in the office, left too much in the account and have over a period of years. It just served as a kind of one of those things, as a balancing mechanism for other Members who might have been caught short at one time or another. But I am just saying that it was a service to Members, and I felt it more of a cooperative than as an outright bank.

Then, too, on the administration of that part of this House. I have had Members come up to me who said, yes, it was quite obvious that they knew a check was probably going to be in short by the time it cleared but in the meantime had, from an account at home or wherever, reimbursed the Sergeant-at-Arms account sufficiently to cover it. But it had not been reported as of that date and several days of slippage.

That does disrespect and dishonor to the Member who certainly should not be called to account in that situation but rather a clerical error in the shop itself. I do not know how many times that has occurred, but it has not been the best of administration. And I do not think the majority leader nor I want to be holding our fellow colleagues accountable to something for which they really are not responsible in the final analysis.

The resolution, of course, mandates the end of the House Bank itself. I guess looking upon this old institution, like some of the things around here, I guess its day has lived its life. I am sorry to see it go, but I think faced with the kind of conditions we have today, we have taken the appropriate steps to say by the end of the year or sooner it will not be one of those institutions of this House. And we can make up for that by utilizing, I am sure, the Federal Credit Union or whatever, to satisfy some of the immediate needs of Members.

We are not limiting the area of investigation, I do not think, in the Committee of Official Conduct to that GAO report that has been talked about and covered in some respects. The committee is asked to go over the last two such reports, which frankly takes us back now to June of 1988.

Let me say a few words to make certain of our intent. In the last paragraph of the resolution, the words "a possible violation of the rules of the House or any other applicable standard of conduct." I have told our Members, at least in our orientation from time to time, "You have got the law. You have got House rules. You have got an ethical standard and several other things, even campaign election laws. We are obliged to honor them all."

So I want to make sure that we are covered in this particular situation, and I think it is to be expected that the records of the Sergeant-at-Arms Office will be available to the Committee on Standards of Official Conduct.

The gentleman's side has appointed distinguished Members to that committee. We have called upon distinguished Members of our side to do this nasty duty of serving on the Committee on Standards of Official Conduct.

Again, we are going to ask them to engage in what is not the most pleasurable duty around here, but there is no other recourse but to refer the matter to them for their deliberations. I am sure those Members will treat the subject very seriously, obviously.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield to the gentleman from Illinois [Mr. CRANE].

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

There are any number of questions that come into my mind about this proposal that is before the House this evening. I am not saying an ethics investigation is not strongly urged. My understanding is that one of our Members wrote a single check for $23,000 that bounced, and that was when he was already owing the Sergeant at Arms office $30,000.

If that is the case, clearly that warrants investigation.

On the other hand, I am not sure, and I would like to ask both gentlemen, what is the necessity of closing the institution instead of simply giving it guidelines for conduct to make sure it conforms to normal banking procedures?

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purpose of debate only, I yield to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. As I indicated, I would like to see that we would continue the old institution, but obviously if, under the present rules, Members have not been able to abide by those rules, that is the thing.

Since the gentleman named one particular instance, may I make it clear

from this Member's point of view, there may be some egregious cases out there. I am sure there are many that are nickel and dime kind of cases.

The distinguished gentleman from Wisconsin [Mr. OBEY] made some comment the other day, and I am sure that there are probably others exactly like that. It is certainly not our intention that all be publicly exposed when, frankly, there is so little interest in that kind of thing. It is the egregious cases, I think, the committee ought to look into.

□ 1720

Mr. CRANE. Will the gentleman yield further?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. To be sure, I am sure, I am confident, and I have not seen the GAO report, but what appeared in the newspapers indicates that 134 Members have bounced checks within a 12-month timeframe. that the average amount was in excess of $1,000 every month.

Now to me, that is a little incomprehensible. The closest I ever came to bouncing a check was when I first got married, and I had $40 in the bank. I thought I had more. I wrote a check to my dad for $100, and had to call him and urge him to sit on it until I had the money to cover it.

We are not talking about the nickel and dime errors. But I do think that no one would be writing bounced checks in excess of $1,000 and averaging 19 of those every year, and that is what the papers have reported thus far, if he were being penalized for that. And all I suggest is that the institution, with the appropriate guidelines, it seems to me, could still function. All you do is mandate that they confirm to normal banking procedures.

Mr. GEPHARDT. I understand what the gentleman is saying. It is simply our thought that we need to end what has been happening, to go to a new entity. It could be that the credit union, which is on the premises, could move into that facility and begin offering its services as it does in other buildings in the area. It could be that Members will want their checks sent to a private institution here or in their home district or somewhere else. There are plenty of alternatives available, and there will be some kind of commercial banking activity in that space that members can use on a reasonable basis.

Mr. CRANE. To be sure, but if the gentleman will yield further, the majority of my deposited money is in the credit union. It is an interest-bearing account, and it conforms to all the guidelines. I keep a token amount in the Sergeant at Arms bank in case there were any kind of an emergency, and then I could write the check and get it cashed immediately.

But how about the employees that work there on Government payroll in the Sergeant at Arms bank right now who have the responsibility for handling our paychecks? And my understanding is that is a very important function of their routine activity. Are those people going to be retained to perform that function and yet be divorced from participation in whatever successor there is to the current operation of the Sergeant at Arms bank?

Mr. GEPHARDT. As the gentleman knows, there are people there who will have to be retained in order to dispense checks on a monthly basis, or if it is worked out, to wire funds to one's commercial bank. That must still go on. There has to be a payroll function.

In addition, there are questions that members often have about retirement matters, about other matters in their official duties, and there will be some people there to handle those inquiries and to deal with those problems. But there will not be, in the sense that there was, a banking facility run under the Sergeant at Arms, run in the manner that it was run. It will be, if there is one, a credit union or other activity there that is a normal commercial banking activity.

Mr. CRANE. Will the gentleman yield further?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. Inasmuch as the direction emanates from this body to the Sergeant at Arms office, and the Sergeant at Arms has been responsible for the operation of the bank down there, could not this body simply provide the Sergeant at Arms with the guidelines to conduct the operation like any normal bank?

My point is it seems like we are throwing out the baby with the bathwater. This would not have occurred if those kind of guidelines had been provided to the Sergeant at Arms office. Tell them we insist that this be observed and have routine audits to guarantee that it is observed, and then if Members were to bounce checks they are going to be fined like anybody else would be fined if it were a private bank.

Mr. GEPHARDT. Obviously, any number of things could have been done. It was the combined judgment of the distinguished minority leader and the Speaker and myself that this was the time that we needed to take the action of closing that bank and putting in its place a credit union or some other commercial activity so that banking could be carried on here as it would be in any hamlet, any village, any city in the United States for any of our constituents. We did not want any difference, and that is why we came up with this solution.

Mr. CRANE. If the gentleman will yield further, my question remains unanswered.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, on this point the gentleman from Illinois has a confusion which I think is shared not only by other Members of this body but by the press and the public. What is down there is not a bank. The Sergeant at Arms "bank" is a misnomer. What you have down there is an officer who is a disbursal officer. They carry our pension programs, health benefit programs. Most of those employees are engaged in support disbursal structures for the employees and Members of the House.

The very convenience the gentleman indicated of keeping a little bit of money there for purposes of cashing a check late at night is why we are in the problem we are in. We created, if you will, as the distinguished minority leader said, a cooperative where our pooled money was used as the resources for a bank.

Underscore the point: At no time were taxpayers' money at risk. It was the cooperative people's money that was being used. At no time was there an aggregate deficit. At no time. It was much less than 10 percent of the total amount of money available. And what the majority leader is saying is that this convenience which we operated down there, which is now the basis of this uproar, is no longer worth it, frankly. And in fact, some Members abused it, and it is appropriate to send it to the Standards of Official Conduct to find out who misused it.

But banking was not what it is or in fact what it should be. Banking, under the laws of the banking regulations in the United States, and particular States, is carried out by other institutions. One example of that, our personal banking records in that so-called bank are subject to exposure by virtue of resolution on this floor. No bank operates that way. This disbursal office as an office of the House operates that way.

We think the convenience which was allowed for a number of years, over a century, is no longer worth it, and that is why it is being ended.

Mr. CRANE. Will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, one further question on this point. I am not in any way objecting to a total revelation of any Member and the magnitude of that Member's drawdown on nonexistent funds, and to be sure, I wish I could have gotten a $53,000 interest-free loan to buy my home. That sort of thing to me is an excess and an abuse, even though it would not be an abuse in a normal banking procedure. But it is not an abuse given what the gentleman just explained.

But my point is if we are going to continue to provide that service down there, I do not see why that service could not be administered according to very strict guidelines as any banking service is administered. I do not understand that.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, no one is saying that the willful abuse of the cooperative structure should not be punished.

Mr. CRANE. I agree.

Mr. THOMAS of California. Which is the purpose of this resolution.

I think most people believe a public office is a public trust in deed and in appearance, and frankly I am most upset because Members who carried out these kinds of practices did so in a manner which was abusive of their colleagues and of this institution. And so the purpose of this convenient location for the acquisition of dollars is no longer appropriate because of the abuse of our colleagues.

The services the gentleman is asking for can be run through with a "Most" machine, if I am allowed to mention a particular brand, with a card, or some other apparatus that normal Americans use to access money after hours. We are going to join the rest of the world.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For purposes of debate only, I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, the point the gentleman is not answering to me, it is intended to have in effect credit union banking out of the same facility downstairs? Is that not correct?

□ 1730

Mr. GEPHARDT. I cannot say today with certainty that will happen. We have discussed that. That is a probable outcome, but I cannot guarantee that to the gentleman today.

It is our purpose and intent to try to have a facility there, a commercial banking facility, that Members can use.

Mr. CRANE. That then goes back to my original question, and I will not belabor the point, because it is still unanswered. If you are going to provide the service, I still do not understand why the service cannot be mandated by this body through the Sergeant at Arms' office, and you simply conform to all traditional banking procedures. If you want to eliminate that service and, you know, they close their doors when we adjourn, do they not? And if you want to eliminate that service, so be it. I do not have a problem with that. I only raised the question that if you are going to continue to provide the same kind of service through a normal banking institution, why could there not be that?

Mr. GEPHARDT. Let me just say that one of the reasons, the main reasons, that we wanted to do this is that we want to have available here for Members what would be available for our constituents, which is a federally-regulated institution that carries with it all of the other Federal regulations. We felt, given the circumstances, given the facts, that it is not appropriate for the body to continue with this bank. It is not a bank, as the gentleman well says. It is a cooperative.

We came to the collective judgment that it was the best for the institution of the House that that cooperative bank no longer go forward, and we put in its place something that would be in any village in the United States.

Mr. THOMAS of California. If the gentleman will yield further, to lay the standing of this so-called bank to rest, they did not carry out ordinary banking practices.

Mr. CRANE. I never said they did.

Mr. THOMAS of California. No; I understand that. But if you went for a loan, they referred you to a bank. If you went for some other kind, they referred you to the credit union. The referral can still function to let you know where you can deal with those kinds of questions.

Mr. CRANE. To be sure. But I am not arguing those points whatsoever. That is totally divorced from the question I still have not gotten answered, and that is why our Banking Committee cannot impose the guidelines that they would impose on any private bank in this country and insist that they adhere to those, and we are ultimately responsible.

I thank the gentleman for indulging me. I am still puzzled, and I am still waiting for the answer.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. For the purposes of debate only, I am happy to yield to the gentleman from Mississippi.

Mr. PARKER. One of my biggest concerns, and I guess I should do like everyone else, and offer a disclaimer. I did not have any bounced checks, and I do not owe the restaurant any money. But the biggest concern that I have about this entire scenario, and I would like to hear both sides respond to this, both the minority leader and the majority leader, is that it bothers me a great deal on how this resolution is worded, because I think that we have got to make sure that we do not take the issue that we have and see it politicized more than it already has been politicized.

What I mean by that is that we have individuals in this body who have not had any bounced checks at all. We have individuals where there were inadvertent bounced checks, small amounts, it was not on a consistent basis.

But, at the same time, I do not want to see an overzealous staff, and we have all seen overzealous staffs in Congress and outside of Congress in Government, that turn around and decide that they are going to utilize the powers that we give them with this resolution and play political games. I do not want an overzealous Democratic staff going after Republicans, and I do not want an overzealous Republican staff going after Democrats.

What I mean is this: that is that when we are talking about someone that has no bounced checks, but all of a sudden we give them this power. I want to know exactly how both sides view this, the entire problem that we have as far as what authority will the Ethnics Committee have going against a specific Member, and say, well, he is a Member of the body, he has an account in the bank, therefore, we are going to go and look at his personal records, because even myself, if the IRS audits my business back home, they get exactly what they ask for, not one piece of paper more.

I resent the fact that here I am, I have not bounced my checks, and I want to make sure that my privacy is protected and that I do not have some overzealous staff member come against me or any other Member of this body, and I would like to hear both sides respond.

Mr. GEPHARDT. For the purposes of debate only, again, the clear intent of this resolution is to have the Committee on Standards look only at the transactions and the accounts and the records that had to do with this cooperative bank. It is not our intent for fishing expeditions, for looking at all kinds of other materials. Our intent is to address this matter, and this matter only.

Mr. PARKER. Mr. Speaker, will the gentleman yield further?

Mr. GEPHARDT. For the purposes of debate only, I am happy to yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Speaker, I would like the minority leader to also respond.

Mr. MICHEL. Let me underscore what the distinguished majority leader said. We are concerned only with what took place in our House. It stops there, and absolutely there is the firewall, whatever there is, to anyone's personal life or other financial institutions. That does not concern us, and I do not care in whatever fashion it is.

It is the only one in-house for which we are responsible.

Mr. PARKER. I appreciate what the gentleman said.

My personal feeling is that we have gone too far. We have got to solve the problem, because the political situation we are in now is totally unlivable. We just cannot live within the guidelines we have right now.

I thank the gentleman very much.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BOEHNER] for the purposes of debate only.

Mr. BOEHNER. Mr. Speaker, I would like to thank the distinguished majority leader and the distinguished minority leader for recognizing that we do have a serious problem in this institution and thank them for taking some action to begin to resolve this problem.

I want to say, as one who was involved over the last week of pushing for more action than what was laid out last week, that what we have been trying to do is not a witch hunt, that what we have been trying to do is to try to make sure that we bring integrity to this institution, that we try to restore trust and confidence in the American people in this body.

But we did not believe that the actions that were taken last week by sweeping our problems under the carpet were, in fact, going to bring the confidence and restore the integrity in this institution.

My concern today is that the issue has moved beyond a few Members. We are beginning to look at this issue as one that involves the whole operation of this House. But, thank God, for the first time we are looking hard at ourselves. I mean, we are looking at ourselves in the mirror, and we are beginning the process of self-examination, and I applaud the Members of this body for doing that.

But, as I said, I have concerns, concerns about the ability and the authority of the Ethics Committee to fully resolve this matter and the problems within the institution.

You know, I believe that we need full disclosure of all of those who systematically abuse the process in the House Bank, that we need to put forth all of those who refused to pay their House banking bills, and I fail to see what harm is done by revealing that information and opening ourselves up to the general public.

Why was nothing done to close the bank when the problems were first noticed? Does the Ethics Committee have the ability and the authority to do that? Why, despite the instructions of the Speaker, did the practice continue for all of this time? Does the committee have the authority and the ability to look at that? By what legal right did the House Bank use Member funds on deposit to cover the overdrafts of other Members? Does the Ethics Committee have the authority and the ability to look at that?

If, as some press reports indicate, Members used these overdrafts to cover campaign expenses, does this constitute a violation of the FEC rules, other regulations? And does the committee have the authority and the ability to go look at that.

With more than $300,000 in taxpayer money that has not been paid to the House dining operation, does the committee have the authority and the ability to go look at that?

Those are the concerns that I stand here with today. I would like to, again, thank you for the actions that you are taking. I think it is a perfect first step, but I ask: Is it enough, will the actions that we take today restore the trust and confidence in this institution among the American people?

That is the question that I cannot answer as we stand here today.

Mr. GEPHARDT. I would answer most of the gentleman's questions by citing the language that is in the resolution which I think would involve at least some, if not most, of the questions the gentleman asked.

□ 1740

First, obviously in making the determination, the committee should consider:

(1) Whether Members, officers or others abused the privileges of the bank by routinely and repeatedly writing checks for which their accounts did not have by significant amounts sufficient funds on deposit to cover.

(2) The bank's practices with respect to non-account holders or checks not written on House bank accounts transacted at the Bank's facilities.

(3) The general operations and management of the Bank by the Sergeant-at-Arms and his employees.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield for just one point?

Mr. GEPHARDT. I yield to the gentleman from Ohio for purposes of debate only.

Mr. BOEHNER. Mr. Speaker, does the Ethics Committee have the authority to investigate and to take action with respect to employees or staff members who may have been operating the bank?

Mr. GEPHARDT. Yes.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania for the purpose of debate only.

Mr. KOSTMAYER. Mr. Speaker, I apologize to the House for rising to talk about this. I will be very, very brief, but allegations have been made that I wrote a check for $23,000 for which there were insufficient funds.

I think the gentleman from Illinois [Mr. CRANE] made reference to that. That allegation is totally untrue.

Just to go on for 10 more seconds, the check was cashed by my father. It was for the sale, I bought my parents' home in 1984. The check was for $23,000, cashed on March 5 at the bank in 1984. I deposited more than enough to cover it, $29,458.50, on February 29.

I have asked the Sergeant at Arms to write a letter to me. I do not want my colleagues to think that I wrote a check for $23,000. I did not.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Illinois for the purpose of debate only.

Mr. CRANE. Mr. Speaker, I did not mention anyone's name. I got that reference out of the newspaper.

Mr. KOSTMAYER. Mr. Speaker, if the gentleman will yield further, I understand. I appreciate that.

Mr. CRANE. I did not mean any personal accusation.

Mr. KOSTMAYER. I did not mean to infer that the gentleman did, and I thank the gentleman.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California for the purpose of debate only.

Mr. LEWIS of California. Mr. Speaker, I appreciate the majority leader yielding to me.

I want to rise just for a moment to express my own appreciation to our Republican leader, the gentleman from Illinois [Mr. MICHEL], for his willingness to get a handle on this problem very, very early. He was willing to draw a line and say that some of the allegations are unsubstantiated, nevertheless they are serious enough that they could have serious implications for the House.

The resolution is here before us today because the Republican leader took the bull by the horns and insisted upon immediate action.

Beyond that, I think it is very important to recognize those new Members of the House, people like the gentleman from Ohio [Mr. BOEHNER], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Iowa [Mr. NUSSLE], the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. DOOLITTLE], the gentleman from Pennsylvania [Mr. SANTORUM], and others who contributed to this process. As new Members they were very concerned about the fact that they came here to serve the public good and to make a positive impact on public policy.

The Republican freshman class has displayed tremendous poise in addressing this problem. Their leadership and determination to make needed reforms, and restore credibility to a badly shaken Congress, is a credit to their constituents and to the House. I join the leader and the freshman class in recognizing the need to restore the public's confidence in the people's House.

Mr. Speaker, it is time to put this episode behind us. This will only be achieved through an immediate and expedient House Ethics Committee investigation of all current abuses at the House Bank.

I think it is very important that we pass this resolution, move forward and get it behind us.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Kansas for the purpose of debate only.

Mr. ROBERTS. Mr. Speaker, I thank the distinguished majority leader for yielding to me.

This is in many ways a very sad day for the institution, but in many ways a very proud day in regards to the reform measures that are now being taken.

I credit the Speaker and I credit our leader for taking the appropriate action, along with my distinguished colleague.

I introduced a resolution 2 weeks ago calling for action. The very next day the Speaker acted and so did the leader.

It is without question that I feel, and I might add that I had 40 or 50 cosponsors on the resolution. We would have had 240 if action would not have been taken.

I am in agreement with the resolution and I think we should proceed, and I stand strongly supportive of it.

But there is a little concern that I have. I am a former staff member here, and I feel very strongly about staff. I had the privilege of serving on the House Administration Committee with the chairman, the gentlewoman from Ohio [Ms. OAKAR], and my subcommittee chairman on Police and Personnel, the gentlewoman from Ohio [Ms. OAKAR]. We try our best to do what we can on behalf of our House personnel.

I said at the time I introduced the resolution 2 weeks ago, let me stress in introducing these changes that I am not pointing the finger of blame at the Sergeant at Arms or the House banking employees. In my view they provide an appreciated check-cashing service for Members and staff. In my view it would be too easy to make these folks a scapegoat.

I have never been in the House check-cashing service or convenience center or bank that any employee of that office did not treat me very promptly and with courtesy. If any mistakes were made, I think it was due in part to policy that has been in place for a great number of years.

I have asked some of the older Members, where did this policy start that Members were not notified of a problem if, in fact, they had an overdraft? To the best of my ability, it has been determined by me that this started clear back under Speaker Rayburn, who did not want the House embarrassed by any Member having an overdraft or a bounced check; but woe to that individual Member if the Speaker ever found out about it.

My point is this. I hope as we go through this resolution and point No. 3 in the general operation and management of the bank, the Sergeant at Arms and his employees, we do so without really focusing on those folks as a too easy scapegoat. I do not think that is the right alternative. I have every confidence that will not be done, but that is a point I wanted to make, and I thank the distinguished majority leader for yielding to me.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Maryland for the purpose of debate only.

Mr. MFUME. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have spent a good amount of time discussing and debating this issue. I do not know at this point, however, what more can be said. I think the resolution offered by the majority leader and the distinguished minority leader is correct and proper, that it ought to be adopted, that we ought to move behind this and get to the real business of why we came here.

One block from this Capitol, people are sleeping on grates. Thirty-seven million Americans, many of whom could care less about this debate even, have no health insurance and will face doctors tomorrow who will ask not where is the pain, but where is the payment. American farmers are facing what is clearly the toughest time in their history, and in every major city the murder rate has tripled and quadrupled.

I am not arguing that this debate should not be carried out, but it cannot go on ad infinitum.

Small business failures are at an all-time high, and tonight in this country after this debate 100,000 children will go to bed hungry.

So few will remember what we say here today. All will remember what we do.

Let us quickly dispose of this resolution by adopting it and move on to the real business that awaits this country and this Congress.

Mr. GEPHARDT. Mr. Speaker, I will simply take but 30 seconds to conclude the debate and say that all of us came here to do public service. All of us love this House and what it represents, and all of us want its connection with the American people to be strong in their faith in us and in our ability to resolve their problems.

I believe this resolution will do some good, perhaps a lot of good, in restoring that faith.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. SANTORUM. 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 390, nays 8, not voting 36, as follows:

[Roll No. 294]

YEAS—390

Abercrombie	Dorgan (ND)	Kanjorski
Ackerman	Dornan (CA)	Kasich
Alexander	Downey	Kennedy
Allard	Dreier	Kennelly
Anderson	Duncan	Kildee
Andrews (ME)	Durbin	Kleczka
Andrews (NJ)	Dwyer	Klug
Andrews (TX)	Eckart	Kolbe
Annunzio	Edwards (CA)	Kopetski
Anthony	Edwards (OK)	Kostmayer
Archer	Edwards (TX)	Kyl
Armey	Emerson	Lagomarsino
Aspin	Engel	Lancaster
Atkins	English	Lantos
AuCoin	Erdreich	LaRocco
Bacchus	Espy	Laughlin
Baker	Evans	Leach
Ballenger	Ewing	Lehman (CA)
Barrett	Fascell	Lent
Barton	Fawell	Levin (MI)
Bateman	Fazio	Lewis (CA)
Beilenson	Feighan	Lewis (FL)
Bennett	Fields	Lewis (GA)
Bentley	Fish	Lightfoot
Bereuter	Flake	Lipinski
Bevill	Foglietta	Livingston
Bilbray	Foley	Lloyd
Bilirakis	Ford (MI)	Long
Bliley	Frank (MA)	Lowery (CA)
Boehlert	Franks (CT)	Lowey (NY)
Bonior	Gallegly	Luken
Borski	Gallo	Machtley
Boucher	Gejdenson	Manton
Boxer	Gekas	Markey
Brewster	Gephardt	Marlenee
Brooks	Geren	Martin
Broomfield	Gibbons	Matsui
Browder	Gilchrest	Mavroules
Brown	Gillmor	Mazzoli
Bruce	Gilman	McCandless
Bryant	Gingrich	McCloskey
Bunning	Glickman	McCollum
Burton	Goodling	McCrery
Bustamante	Gordon	McCurdy
Byron	Goss	McDade
Callahan	Gradison	McDermott
Camp	Grandy	McEwen
Campbell (CA)	Green	McGrath
Campbell (CO)	Guarini	McHugh
Cardin	Gunderson	McMillan (NC)
Carper	Hall (OH)	McMillen (MD)
Carr	Hall (TX)	McNulty
Chandler	Hamilton	Mfume
Chapman	Hammerschmidt	Michel
Clay	Hancock	Miller (CA)
Clement	Hansen	Miller (OH)
Clinger	Harris	Miller (WA)
Coble	Hastert	Mineta
Coleman (MO)	Hayes (IL)	Mink
Coleman (TX)	Hayes (LA)	Moakley
Collins (IL)	Hefley	Molinari
Collins (MI)	Hefner	Mollohan
Combest	Henry	Montgomery
Condit	Herger	Moran
Conyers	Hertel	Morella
Cooper	Hoagland	Morrison
Costello	Hobson	Murphy
Coughlin	Hochbrueckner	Murtha
Cox (CA)	Horn	Myers
Cox (IL)	Horton	Nagle
Coyne	Houghton	Natcher
Cramer	Hoyer	Neal (MA)
Crane	Hubbard	Neal (NC)
Cunningham	Huckaby	Nichols
Dannemeyer	Hughes	Nowak
Darden	Hunter	Nussle
Davis	Hutto	Oakar
de la Garza	Hyde	Oberstar
DeFazio	Jacobs	Obey
DeLauro	James	Olin
Dellums	Jefferson	Olver
Derrick	Jenkins	Ortiz
Dickinson	Johnson (CT)	Orton
Dicks	Johnson (SD)	Owens (UT)
Dingell	Johnson (TX)	Oxley
Donnelly	Johnston	Packard
Dooley	Jones (NC)	Pallone
Doolittle	Jontz	Panetta

Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Russo
Sabo
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—8

Boehner
DeLay
Gonzalez
Jones (GA)
Roybal
Savage
Towns
Washington

NOT VOTING—36

Applegate
Barnard
Berman
Dixon
Dymally
Early
Ford (TN)
Frost
Gaydos
Hatcher
Holloway
Hopkins
Inhofe
Ireland
Kaptur
Kolter
LaFalce
Lehman (FL)
Levine (CA)
Martinez
Meyers
Moody
Moorhead
Mrazek
Owens (NY)
Pease
Quillen
Rinaldo
Rose
Rostenkowski
Sanders
Sarpalius
Slaughter (NY)
Slaughter (VA)
Staggers
Torricelli

□ 1817

Mr. TOWNS and Mr. DELAY changed their vote from "yea" to "nay."

Mr. LAGOMARSINO 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.

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, unfortunately, I was unable to be present for the vote on passage of House Resolution 236, which would eliminate the House Bank and require an Ethics Committee investigation of the operation of the House Bank. Had I been present, I would have voted for passage of House Resolution 236.

WITHDRAWAL OF NAME AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. HOCHBRUECKNER. Mr. Speaker, I ask unanimous consent to withdraw my name from House Resolution 194.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of engaging in a colloquy with the acting majority leader, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the majority whip for the purpose of enlightening the membership as to the schedule for next week and the remainder of this week.

Mr. BONIOR. Mr. Speaker, the House has completed its legislative business on this vote. There will be no more recorded votes this evening.

The program for next week is as follows:

On Monday, October 7, the House will meet at noon. There will be no legislative business.

On Tuesday, October 8, the House meets at noon. Conference reports may be expected on H.R. 2698, the Agriculture, Rural Development and Related Agencies Appropriations for fiscal year 1992, and on H.R. 2426, the Military Construction Appropriations for fiscal year 1992. There are also three suspensions for October 8, on which the recorded votes will be postponed until after consideration of all suspensions. They are in order,

H.R. 1724, lifting restrictions on the importation of goods from Czechoslovakia and Hungary;

H.R. 2629, Women's Business Development Act of 1991; and

H.R. 3033, Job Training Reform Amendments.

On Wednesday, October 9, and Thursday, October 10, the House will meet at 11 o'clock on Wednesday and at 10 o'clock on Thursday. Conference reports may be expected on the following bills:

H.R. 2942, Transportation and Related Agencies Appropriations for fiscal year 1992,

H.R. 2508, Foreign Assistance Authorization for fiscal year 1992 and fiscal year 1993 Conference Report,

H.R. 1470, Price Fixing Prevention, and

H.R. 2369, Flint Hills Prairie National Monument.

On Friday, October 11, the House meets at 10 a.m. There will be no legislative business.

□ 1820

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue, is there likely to be the highway bill up at all next week?

Mr. BONIOR. The Transportation and Related Agencies Appropriations bill conference report may be up. The highway bill, the last was that I had heard on that particular piece of legislation was that it would be scheduled for the following week.

Mr. SOLOMON. And the foreign aid bill, which was pulled last week, we do really expect to take it up on Wednesday coming?

Mr. BONIOR. We may take it up on Wednesday.

Mr. SOLOMON. There was no mention in the schedule at all of the parental leave bill. Is that likely to come before the House this coming week?

Mr. BONIOR. There is no anticipation at this point of doing parental leave next week.

Mr. SOLOMON. So that there are no votes then tomorrow. There are no votes on Monday.

Mr. BONIOR. No legislative business, although we will meet at noon on Monday.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Speaker, I just want to ask two questions:

The first one is, I am not sure exactly when the unemployment bill will go downtown. Does the gentleman know when it will be sent down?

Mr. BONIOR. If the gentleman will continue to yield, my guess, and I am not positive, would be tomorrow.

Mr. GINGRICH. If the unemployment bill is sent down tomorrow and it is vetoed and the veto is sustained in the other body, does the gentleman think the leadership might be willing to entertain bringing up the Michel bill within 24 or 48 hours of that being sustained so that we could in fact then have a signable bill that would send 10 additional weeks of unemployment?

Mr. BONIOR. Mr. Speaker, if the President refuses to provide unemployment for Americans who are out of work at an alarming rate, then we will have to regroup as a party and as a Congress and as Members and decide on what next step to take.

Mr. GINGRICH. If the gentleman will continue to yield, let me just say, as we look at the schedule for next week, if the President does veto the bill and if it is sustained, it would be my hope, it would be certainly the Republican leadership who would come to the floor and would ask the Democratic leadership to make in order a vote to extend unemployment within 24 or 48 hours.

Second, I might ask, does the gentleman know offhand if there is any intention in the near future to schedule

an Economic Growth Act, whether it is ours or a Democratic version in the next week or two?

Mr. BONIOR. Mr. Speaker, I would say on the first point, it is our fervent hope that the President does not veto, does not veto the unemployment bill. He has an opportunity to provide assistance for people who need it in this recession.

If he does veto it, it will go to the U.S. Senate, and they will have the opportunity to provide for working people across this country.

The second point the gentleman raises is the question of economic growth, and I want to assure my colleagues that we are interested on this side of the aisle in providing for the stimulus to get this economy out of the recession that it is presently in. We hope to have appropriate legislation in the coming weeks and months to deal with that serious issue, including, I suspect, the opportunity, although I do not want to make a hard, fast commitment to the gentleman from Georgia [Mr. GINGRICH], but I suspect the minority will have their usual opportunity to craft their own bill with respect to growth.

Mr. GINGRICH. Mr. Speaker, I just want to say that it is my hope that the economic growth package can come in weeks rather than months, and I thank the gentleman for sharing that information with us.

Mr. SOLOMON. I might just in closing, Mr. Speaker, remind the membership that the crime bill is coming before our Committee on Rules next Thursday. The gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the committee, did serve notice on the Membership that amendments would have to be filed by 5 p.m. this coming Monday, October 7, and that they should be filed in room H-312 here in the Capitol, 55 copies along with an explanation.

I would just remind the membership of that fact.

GENERAL LEAVE

Mr. BONIOR. 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 236, the resolution just agreed to.

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

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION IN SANTIAGO, CHILE

The SPEAKER. Pursuant to the provisions of 22 United States Code 276a-1, the Chair appoints to the delegation to attend the Conference of the a Interparliamentary Union to be held in Santiago, Chile, on October 5 through October 12, 1991, the following Members on the part of the House: Mr. FEIGHAN of Ohio, chairman; and Mr. BLAZ of Guam.

HOUR OF MEETING ON WEDNESDAY, OCTOBER 9, 1991

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, October 8, 1991, it adjourn to meet at 11 a.m. on Wednesday, October 9, 1991.

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

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 7, 1991

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

REPORT CONCERNING CONTINUED BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on April 23, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $450,000 of the approximately $132.76 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $137.3 million remaining blocked at this time (which includes approximately $5 million in interest credited to the accounts since my last report), some $136.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama to fund a portion of Panama's arrearages to international financial institutions. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 35 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *October 3, 1991.*

KERREY WILL MAKE THE BEST PRESIDENT FOR AMERICA IN THE MID-1990'S

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

Mr. HOAGLAND. Mr. Speaker, I would like to offer my support for Senator BOB KERREY's bid for the Democratic Presidential nomination and offer for the RECORD a copy of his announcement speech Monday. Senator KERREY is the candidate of generational change. "I want to lead America's fearless, restless voyage of generational progress," KERREY said. "We have been led off course by a Fed-

eral Government whose engine has become inert, whose direction is adrift, and whose compass is cynicism."

Senator KERREY called for a change in Republican policies that produced "malignant neglect that can be seen in the frustrated faces of the millions who cannot find work, or pay for health care, or make ends meet." It is time, he said, "for leadership that focuses its attention on posterity, rather than popularity, on the next generation, rather than the next election."

Senator KERREY's speech represents a reflection of his high aspirations for the future of the Democratic Party. "President Bush is not the enemy," he said. "A more difficult enemy for us to defeat is our own pessimism—particularly in the Democratic Party."

But more importantly, Senator KERREY offers a vision for the future of America. BOB has a unique background of practical experience as a businessman, ability to balance the budget as Nebraska's governor, and experience in the U.S. Senate. He will make the best President for America in the mid-1990's.

SPEECH BY SENATOR ROBERT J. KERREY

I want to lead America's fearless, restless voyage of generational progress. We have been led off course by a Federal government whose engine has become inertia; whose direction is adrift; and whose compass is cynicism. I am running for President because America urgently needs better, bolder leadership that will build for greatness again.

I want to lead because I believe almost everyone but our present leadership knows what we must do. I believe Americans know deep in their bones that something is terribly wrong and that business as usual—the prescription for the 80s—cannot work for our future. What we need is a renewal . . . a renewal that leads to a willingness to act upon the idea of building for greatness.

My generation is uniquely positioned to understand what must now be done. I am repeatedly drawn to the difference between the world I inherited as a young man and the world I am preparing to pass on to my children.

When I graduated from high school in 1961, I and my classmates faced a future of great promise, the direct result of our parents' determination to make our lives better than their own. Our parents' generation had taken our nation into the forefront of world leadership. They had defeated fascism, and were in the process of implementing a network of arms and alliances that would eventually contain communism.

And my parents' generation was doing great things for us at home. In 1961 they were in the midst of building a brand new interstate highway system to be paid for with cash. The schools they provided us were respected throughout the world. They gave us a thriving economy that enabled us to double our standard of living within a single generation; to buy a house; to purchase health care; to afford higher education for our own children.

Next year, my own son will graduate from high school. What kind of legacy will he inherit? My generation understands that the power of those earlier gifts is dwindling because our leadership simply has not renewed them.

I can feel thankful that the threat of communism has receded, and that my son does not face the likelihood of war. But the benefits of this historic victory have not been brought home to the people who deserve to claim them.

The staggering cost of that malignant neglect can be seen in the frustrated faces of the millions who cannot find work, or pay for health care, or make ends meet. And that neglect will carve even deeper scars on our next generation: the Americans of the next century.

At the end of this century, my daughter will be graduating from college. Unless we do things differently now, she will assume title to a far different inheritance than we received in 1961.

Unless we do things differently now, she and her classmates could each inherit an $84,000 I.O.U. in the year 2000—their share of a massively enlarged federal debt that will crimp their standard of living and that of their children.

Unless we do things differently now, these turn of the century graduates can expect family lives where stagnant incomes will force them into more hours at work and less time with their children, where home ownership and college tuition and even adequate health care will be beyond the reach of all but the wealthiest.

Unless we do things differently now, today's children will inherit a land where their daily lives are diminished by highways and communications systems that are inadequate by the standards of our international competitors; by natural resources depleted by wasteful use; and by divisions of race and income that tear at our cities filled with human lives wasted by drugs, violence and neglect.

I am running for President because the future I fear for my children is already a reality for far too many Americans. I am ready to serve because none of it has to be. It is time for leadership committed to posterity rather than popularity and focused on the next century instead of the next election.

The year 1992 offers us a chance to break from a decade in which our leaders invited a season of cynicism. They invoked morality but winked at greed. They criticized the public sector but then robbed it blind. They spoke of balanced budgets but never submitted one. They railed against taxes but raised them on the middle class. They called for civil rights but practiced racial politics. They wrapped their cause in motherhood but tried to strip motherhood of choice or meaningful opportunities.

In our hearts, we all know that the unchecked selfishness and greed that dominated the policies of the eighties has taken its toll on our nation. Our enthusiasm for the dream and our willingness to believe has been cooled by leaders who have betrayed our trust.

This campaign is grounded in the belief that we can and should trust again. As such its not so much a fight against George Bush as a fight for what America can be.

The year 1992 offers a chance to end the feeling that our economic future is impaired. President Bush simply has not done all he could or should be doing.

In truth he reminds me of some managers I've known in business; great person to be around; all his employees love him. But the business is losing money, and all he's offering is excuses as to why nothing can be done. It is time for America to change managers.

Still, President Bush is not the enemy. A more difficult enemy for us to defeat is our own pessimism—particularly in the Democratic Party—that any effort matters, that anything we do will change the dangerous direction which America is heading today.

I want the Democratic Party to become a can-do party again. We should become the party that put America back to work as we did during the Depression. We should become the party that reached out to those bent low and raised our sights up to the moon as we did in my generation. It is time again for us to do great things. If we do, we can stand at the dawn of the next century proud of what we gave the Class of 2000.

Proud that we got our economy moving again by investing in our nation, spurring its growth, and corralling the deficit.

Proud that we changed our system of financing health care so that medical care is established as a right, and no American—young or old—is ever priced out of the care they need.

Proud that we created an America where no child is hungry for food, but every child is hungry for learning.

Proud that we built schools that work because they had the resources and freedom to get the job done right.

Proud that we transformed our communication system into a bridge between the work of our schools and the work of our homes and a window onto new worlds of learning.

This campaign is not just about America taking care of the business at home. It is about a new role for America in the world.

The confrontational nature of the conflict between the United States and the Soviet Union will soon be a distant memory. Still present will be the perennial dangers of totalitarianism, national piracy and unchecked aggression.

It is crucial that America give new attention as well to an old conflict: the conflict between developed and undeveloped nations.

In this bipolar conflict between the haves and have-nots the United States will have a special dual role. We must compete hard with those nations that are our equals. But at the same time we must not relinquish our role as the champion of individual freedoms. We must work hard to give citizens of less developed nations the opportunity to participate in a growing international economy . . . not as an act of charity but as act of enlightened self interest.

As we compete with our equals, America's President must fight the battle at home AND our President must use the authority given by Congress to fight a trade war which is endangering our economy and those of the non-developed world. In particular, and most difficult, will be our friends and allies, the Japanese whose adversarial policies undermine much more than the economic prosperity of Americans. Restrictive, purely nationalistic trade policies by developed nations will make life more miserable for the growing number of people on this planet who are unable to support themselves.

In addition to helping to settle economic conflicts America must lead the effort on population control, global warming, soil loss, deforestation and the status of the world's children. On this short list of issues we must lead not impede progress on this earth.

It is crucial for America's President to understand the power of our words. When President Reagan called the Soviet Union an evil empire he did much to bring down these totalitarian regimes. And as the wall of secrecy drops on Eastern Europe and the Soviet Republics we are seeing that the evil was worse than most imagined. Our words

can cut the lies from the mouths of those who speak them and embolden people to act. And we still must be prepared to speak and act—in China, where repressive acts have been rewarded not with condemnation, but with most-favored-nation trade status. And in Vietnam, where the cruelties of the communist takeover sixteen years ago are only now beginning to become apparent.

As we wonder whether to raise our voices to oppose the world's remaining dictators and to defend the right of all men and women to be free, we should remember this: Vaclav Havel, Lech Walesa, and Nelson Mandela came to America to thank us for saving them, not for saving ourselves. The cause of the Cold War was not just to defend America; it was to liberate four hundred million people.

In the 1990s and beyond we will need new strategies and new partnerships to lead America through the intense economic competition, ethnic strife, shifting coalitions and proliferation of weapons. What should not change is the rudder that has guided America for the past forty-five years. The essence of our success was America's willingness to pay a price to secure the freedom of others.

I am proud and grateful for the effort made by the architects and implementors of the policies of containment. Friday night America heard President Bush—a proud man has been fighting cold war battles for most of his thirty-five years in public life—take the first concrete step beyond containment.

It was an exciting and serious moment. Exciting because we are heading in the direction of increased freedom, stability and prosperity. Serious because we need to change our military force structure with an alert mind that focuses on our safety and security. It is also a serious moment because we are aware that the next battle will be an economic fight, and we are not yet fully prepared for the effort. Perhaps the most important change we need is that our political leaders are going to have to risk a little if we hope to gain a lot.

Nothing better symbolizes the sense of new purpose we need to demand of our leaders than the building that stands behind me—Nebraska's State Capitol. It was built by Nebraskans at the start of the Great Depression. If ever a people had the right to give up it was the people who built this building.

But just look at what they did. They built this building with cash. They built it to last and to be enjoyed beyond their lifetimes. They were not motivated by a depreciation schedule or the desire to brag about their accomplishment on their campaign brochures. They built this building for generations yet unborn. And they did something else we should notice and emulate—they built it to inspire.

This building turns our eyes and spirits upward. It should occur to us that if God gave the Nebraskans of our past the strength and courage to overcome pessimism and build for greatness, then we ought not doubt our capacity to do the same.

It requires us to believe. It requires us to risk. Most of all it requires us to look towards and work for the future.

The words of a martyr to the cause of freedom should guide our work today:

"It may be that the day of judgment will dawn tomorrow; in that case, we shall gladly stop working for a better future. But not before."

Let us go now . . . and begin the good work of building greatness in America again.

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RESURRECTING ANZUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Madam Speaker, perspective is always difficult to apply in a world turned topsy, but the President's historically significant arms restraint initiative last Friday would appear to have signal ramifications for relations with one of our oldest and closest allies: New Zealand.

As Members well recall, early in the last decade the Labor Government under Prime Minister David Lange moved to jeopardize the integrity of the ANZUS alliance by enacting strict antinuclear legislation which had the effect of prohibiting ship visits by the U.S. Navy. The background of Lange's unfortunate intransigence on the issue sprang in part from New Zealand, indeed the world, doubts about the sincerity and capacity of President Reagan in his first years in office to advance arms control.

Under the steady and adroit statecraft of President Bush, however, American leadership not only appears firmer but manifestly more progressive on arms control subjects of concern to New Zealand.

In addition, President Bush has made clear that despite our differences with the Government of New Zealand over the long-standing policy of neither confirming nor denying the presence of nuclear weapons on our ships and aircraft, known as NCND, it is important for our two great countries, which share such an overwhelming coincidence of interests, to maintain the most civil of relations. Hence Secretary Derwinski recently visited New Zealand and President Bush met personally with Prime Minister Bolger last week in New York.

From a congressional perspective, it would appear that today there is every opportunity to break the unfortunate deadlock on NCND. Based not only upon civil discourse but prodigious shifts in the landscape of international politics, most especially the peaceful conclusion of a bitter cold war whose end was facilitated in no small measure by an effective alliance structure, as well as the President's decision to eliminate an entire category of nuclear arms including the removal of tactical nuclear weapons from naval vessels, it would appear that resurrection of normal United States-New Zealand ties is eminently reasonable and that reinauguaration of the ANZUS alliance is imminently at hand.

The historically unprecedented arms restraint initiatives announced last week have given hope to those of us who've worked to see the United States-New Zealand relationship recemented that Wellington could respond by indicating that U.S. Navy ship visits are no longer so intolerable to the Government or public. After all, with the removal of our currently deployed tactical nuclear systems at sea—those on submarines and on surface ships—there should be no basis for objecting to United States maintenance of our historic policy of NCND particularly when it is so unlikely the United States would ever want to embarrass New Zealand's sensibilities and sensitivities.

If the past can be considered prolog, what truly matters in our relationship is not nearly so much this honest family spat, but the ties that bind us together: Our common heritage rooted in our Anglo-Saxon institutions and frontier immigrant traditions and our allied status in every principal engagement of the century. The blood spilled so many times together in the name of freedom is simply a more important bond than any disagreement emanating from politics of the moment. As we celebrate the prospective end of the cold war, now is the time in New Zealand-United States relations to emphasize our shared heritage, our mutual responsibilities, and our common view of the future. Now is the time to normalize relations, to underscore our mutual confidence and respect by reinvigorating the ANZUS alliance.

In a new world order, the United States, with the counsel of our allies has made policy shifts of historical dimension. The challenge in New Zealand-United States relations is to see that this unique opportunity for reconciliation is not lost.

ORDER OF BUSINESS

Mr. HUNTER. Madam Speaker, I ask unanimous consent that my 5-minute special order be yielded at this time to the gentleman from New Mexico [Mr. RICHARDSON].

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

There was no objection.

ADMINISTRATIVE LAND WITHDRAWAL FOR WASTE ISOLATION PILOT PLANT IN NEW MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Madam Speaker, this is a sad day for the U.S. Congress, the State of New Mexico, and the people of New Mexico.

A few moments ago I received a letter from Adm. James Watkins of the Department of Energy announcing an administrative land withdrawal for the waste isolation pilot plant in New Mexico. This is an action that violates the Congress, that bypasses the people of

New Mexico, and bypasses the State of New Mexico.

Mr. Speaker, this is also possibly an illegal act.

The Congress has to give jurisdiction to the Department of Energy for the transfer of land from the Bureau of Land Management to the Department of Energy to proceed with the WITT facility. What has happened, because of political pressure, because the Department of Energy has failed to reach agreement with the two Senators from New Mexico over how much waste could be placed in the testing phase of WITT, the Department of Energy has chosen administrative withdrawal, which takes this action unilaterally, without proper oversight and jurisdiction by the Members of this Congress and the people of New Mexico.

It is a sad day, Mr. Speaker, because now we are faced with a situation where the State of New Mexico will not get safety, will not get proper compensation for this WITT facility. This is low-level transuranic waste that is moving from across the country, from Rocky Flats, from many other nuclear facilities to be buried in southern New Mexico, in Carlsbad.

The Department of Energy, in its haste, in its bowing to the political pressure of other States, has decided to forget about safety, has decided to forget about its obligations to the State of New Mexico, has decided to forget its obligations to this Congress that it is the Congress that has the jurisdiction over a legislative land withdrawal bill that permits this facility to open.

Madam Speaker, WITT is not ready to open. There are still a number of safety provisions that have not been met. There are still a number of tests that have not been met. The State of New Mexico is going to be suing for not having proper jurisdiction over this matter. I will be joining as a citizen with the State of New Mexico in this suit against the Department of Energy.

What options does the Congress have? The Congress can proceed with legislative land withdrawal. I am not so sure that should happen. The Congress can block the action of the Department of Energy.

Madam Speaker, the Interior and Insular Affairs Committee, under a special procedure, already took that step and nullified a previous administrative withdrawal on the part of the Department of Energy.

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The Department of Energy did not listen, did not take heed, and has proceeded with land withdrawal in violation of this action by the House Interior Committee. The Committee on Armed Services was about to act on legislative land withdrawal. The House Committee on Energy and Commerce was about to act on legislative land withdrawal.

The Department of Energy, however, has ignored these two committees, has initiated negotiations with the Senate which now have failed, and over .5 percent of waste, a dispute over .5 percent of waste to be tested, has decided that the rule of law, the bypassing of Congress, that bypassing the people of New Mexico does not matter, and they are going to open this facility without regard to the people of New Mexico.

This is very serious, because what is threatened here is the separation of powers.

So I ask my colleagues today to think of this not just as a problem in New Mexico but as a threat to the balance of power between the executive branch and the Congress.

Our action, our jurisdiction, our role as a representative of the people of this country has been violated, and I would ask every Member of this body to focus on what our next action might be. So I raise this issue today to signal that in the days ahead, not just the New Mexico congressional delegation or a majority of it, will be raising the proper action with the leaders of the House and Senate, about how the State of New Mexico can be protected, about how the people of New Mexico can be protected and the proper oversight role of this Congress can be protected.

Madam Speaker, I am including for the RECORD a letter dated October 3, 1991, from Admiral Watkins, and another letter dated October 3, 1991, from Admiral Watkins, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, October 3, 1991.

Hon. BILL RICHARDSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I am writing to express my sincere disappointment that negotiations have apparently failed to reach agreement on legislation to permanently withdraw Federal lands from the public domain, thus allowing the Department of Energy (DOE) to commence its 7-year experimental program at the Waste Isolation Pilot Plant (WIPP) located near Carlsbad, New Mexico.

We have reached an impasse with Senator Bingaman over his insistence that the total volume of waste which could be emplaced in the WIPP during the Test Phase must be limited to 0.5 percent of total capacity. If this 0.5 percent limitation is imposed on the DOE, I consider it unrealistic to subscribe to a process that would require the DOE to seek special authority from the Congress on a periodic basis to add more waste to the WIPP simply to generate the data required to predict long-term performance. There might even be a situation where the State of New Mexico desired further experiments conducted and the DOE would have to seek legislation in order to accommodate their wishes.

While the department has no current plans to use more waste than this, I have been urged by members of the Blue Ribbon Panel on WIPP and by a National Academy of Sciences panel to remain flexible on the test plan for WIPP. The EPA has also recommended this and set an upper limit of 1 percent of total capacity for the Test Phase. Accordingly, I have asked that the legislative land withdrawal provide for the EPA Administrator to determine whether experiments requiring more than 0.5 percent are necessary before they could be conducted. I believe that reliance on the EPA in this matter is the more technically sound way to proceed.

Let me assure you that the DOE is not trying to maximize the amount of waste it emplaces in WIPP. My argument is based solely on the need for sufficient flexibility to generate the scientific data that will allow the DOE to demonstrate to the satisfaction of the EPA that the waste will not migrate from WIPP for over 10,000 years.

I reluctantly must pursue actions to withdraw these Federal lands from the Department of the Interior under an administrative procedure. Permanent land withdrawal through legislation continues to be one of the department's highest legislative priorities. However, since all Test Phase prerequisites are completed to my satisfaction and land withdrawal legislation is unavailable as the WIPP is ready to begin the Test Phase, I have no other recourse. This is a completed $1 billion facility that has been independently and extensively reviewed by the state of New Mexico, the New Mexico Environmental Evaluation Group (EEG), the EPA, the National Academy of Sciences, the Defense Nuclear Facilities Safety Board, and by members of a "blue ribbon" panel of technical experts. WIPP is costing the American taxpayer over $13 million a month, yet all the work we have done to meet environmental, safety, technical, logistical, and transportation prerequisites will mean nothing if we are unable to proceed with the 7-year scientific program to demonstrate whether the WIPP can meet the standards prescribed by the EPA.

I continue to hope that Congress will take prompt action to enact land withdrawal legislation that is acceptable to the Administration. This would permanently address the situation. It would provide economic impact assistance to the State of New Mexico, which cannot be done under an administrative withdrawal. I need the scientific flexibility to emplace sufficient quantities of transuranic waste that the experts tell me are required to show that the stringent EPA standards can be met.

Again, I regret being forced to take this action, but believe that it is the only course open to me at this time.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

THE SECRETARY OF ENERGY,
Washington, DC, October 3, 1991.

Hon. BILL RICHARDSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I am very pleased to announce that the Waste Isolation Pilot Plant (WIPP) is ready to begin the Test Phase with transuranic waste, pending completion of land withdrawal. The Department has completed all prerequisites that are required to conduct the Test Phase activities at WIPP, beginning with the bin-scale tests, in a manner that safely protects our workers, the public, and the environment. I have approved the start of the Test Phase, pending completion of land withdrawal.

Enclosed for your information is the Final Decision Plan (Revision 10) for WIPP. Since issuance of Revision 9 of the Draft Decision Plan about 1 month ago, the Department has completed the remaining prerequisite activi-

ties, except land withdrawal. These include: (1) issuance of the Quality Assurance Project Plan for the Idaho National Engineering Laboratory (INEL); (2) completion of all bin-loading activities at INEL and readiness to ship wastes to WIPP; (3) issuance of the Final Safety Analysis Report Addendum for Dry Bin-Scale Test; (4) completion of the Department's Office of Environmental Restoration and Waste management operational readiness review and verification of resulting pre-start corrective actions; (5) closeout of all commitments for waste receipt with the Advisory Committee for Nuclear Facilities Safety; (6) designation of an alternate New Mexico transportation route; and (7) completion of a public meeting with the Defense Nuclear Facilities Safety Board on WIPP readiness. Also, enclosed for your information are a summary of the changes from Revision 9 of the Draft Decision Plan and Decision Plan status briefing package.

As I have stated in the past, permanent land withdrawal for WIPP through legislation remains one of the Department's legislative priorities. We have spent a tremendous amount of time over the past several years working with the Congress to develop mutually agreeable legislation, and I have withheld my request to the Department of the Interior for administrative land withdrawal for several months in anticipation of congressional action. However, due to the failure of the Congress to enact legislation to withdraw the public lands at WIPP and because the technical prerequisites are now complete, I have asked the Secretary of the Interior to complete administrative land withdrawal for the WIPP site, so that we can proceed with transuranic waste testing.

Let me again assure you that I will continue to personally review the progress of this important project so that the public health and safety are adequately protected during the Test Phase.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

AMENDMENTS TO THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Madam Speaker, I rise to speak in strong support of legislation that I have cosponsored with my colleague from Connecticut [Mr. GEJDENSON] to make two sensible changes to the Low-Level Radioactive Waste Policy Act.

The siting of a low-level hazardous waste facility in Connecticut has run askew. Thousands of citizens in numerous communities have been burdened with a rigid selection process that has cast a pall on their future. It is time to act and to redress the shortcomings of the law, a law that has allowed the selection process to become deficient to the needs of individuals and communities.

Our bill proposes two changes. The first change will remove the most dangerous type of waste, class C waste, from the Low-Level Waste Program. This properly classifies hazardous waste material into a more suitable designation for future storage in a high-level waste facility, which would then be the responsibility of the Federal Government rather than the States.

The second change directly addresses to the issue of where these facilities should be located. One of the towns in Connecticut that has been chosen as a preliminary site is one of the fastest growing towns in our State, experiencing a 28-percent growth rate during the last 10 years. Data projections call for this community to grow an additional 35 percent between now and the year 2000.

Why should this site even be under consideration as a low-level waste facility when the population growth and population density indicates high occupancy? As I walked the sites, I realized I did not need binoculars to determine the distance to the people's homes. They are so close, I could easily see them with the naked eye. Certainly, this indicates that regulations are remiss.

This bill, Madam Speaker, would move the proximity range from 2 kilometers to 5 kilometers and make sure the sites are not to be near schools and residences.

Madam Speaker, as the current law is implemented across the Nation, it is obvious that elements of it fail to address the commonsense and safety needs of thousands of individuals in numerous communities. It's time to correct the act now before it jeopardizes the health and safety of future generations.

THE RETIREMENT OF VINCENT "FRENCHIE" BERNAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 5 minutes.

Mr. HAMMERSCHMIDT. Madam Speaker, today the House is losing one of its finest employees. VINCENT BERNAL, better known to us as "FRENCHIE," is retiring at the end of today.

We are very privileged here to work in buildings that are consistently being looked after and attended to. Our offices are always cleaned, the halls are always painted, and the grounds around our office buildings are always well kept. Our Capitol is truly a showplace for the Nation.

This would not be possible without the efforts of many, many people. Frenchie Bernal is one of those individuals who has worked tirelessly to make sure that the buildings of the U.S. House of Representatives reflect the sense of pride that Americans have in our Capitol.

Immigrating from his native country of France in 1948, Frenchie came to work in the House in 1969. For almost 23 years he has shared his energetic demeanor and wonderful sense of humor with those of us in Congress. We could always count on him to get the job done.

For instance, anyone that has ever been in my office knows it is covered from the floor to the ceiling with pictures. It's a wonderful way to share the history of my years in Congress with those who come to visit. My constituents always seem to enjoy looking at those pictures, often with a smile across their face as they find a friend or family member on the wall. Several years ago I moved my office from the second floor of the Rayburn Building to the first. Frenchie and one of his colleagues spent 3 days hanging and arranging those pictures in my office. I deeply appreciate your hard work on that project, Frenchie. You brought a lot of smiles to my office because of it.

Now as you look forward to a well-deserved retirement, I would like to extend my best wishes to you for continued success, health, and happiness. Thank you for a job well done.

THE ADVANTAGES OF MOVING TO WEST VIRGINIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, I just want to thank you also for permitting me to be here, as you are there, as this was my time to be in the chair, and because of your kindness, I will be able to join my 2-year-old for a birthday party, I thank you very much.

Madam Speaker, some references were made earlier today in previous debate about the moving, or the proposed moving, of the CIA center to Jefferson County, WV, and there has been a lot of discussion over this.

I think, for the record, it is important to point out some of the very positive aspects of this move.

At issue are 5,000 to 6,000 employees probably scattered around 21 CIA locations in the Washington Beltway area.

The proposal would be to move 2,500 to 3,000 of these employees to a new facility in Jefferson County, WV, some 90 miles from here, and the balance of those, about an equal number, to Prince William County, VA. I think it should be stressed that the headquarters of the CIA is not moving to West Virginia or to Prince William County, VA, but is staying at Langley where it presently is, in McLean, VA.

The West Virginia office would be the center for data processing and support staff. The Prince William County, VA, office would have science and research analysts.

There are many reasons that dictate this move, first of all to consolidate 21 sites into 2. The second is because there is close proximity to both the McLean headquarters as well as to the other operations of the CIA.

As I mentioned, the proposed center in West Virginia will be only 90 miles from this Capitol and, indeed, the irony is going to be that for some of those employees, if they choose to stay in the beltway area, it will probably be a

shorter commute to Jefferson County, WV, going the opposite way of rush-hour traffic than they presently have to commute today.

There are other strong reasons why the CIA considers this a good move. There is attractiveness of the panhandle region. It is the fastest-growing part of our State as well as, indeed, this entire beltway area. Berkley County, for instance, in the eastern panhandle of West Virginia, grew from 47,000 to 59,000 in a 10-year period. Jefferson County, the site of the CIA facility, has grown from 30,000 to 35,000 in 10 years.

Both government and businesses have chosen to locate major facilities in this region because, once again, the economics dictate it. This region of the eastern panhandle, Jefferson and Berkley and Morgan Counties, have excellent telecommunications infrastructure so crucial to this data processing center and, of course, excellent highway communications and links, too, with I-81 running right through the region.

What other advantages are there? Businesses report that they save $10,000 per employee by moving to the eastern Panhandle of West Virginia. A data-entry person that would require a wage of $8 per hour in Washington is paid $5 to $6 an hour in West Virginia. There is an excellent work force which many businesses testify to.

This is all part of a national movement, and I might add that I visited a Defense Logistics Agency center in Columbus, OH, last year, in which seven to eight downtown urban area centers were consolidated at Columbus, OH, at great savings to the Government with a satisfied work force all because of modern telecommunications, lower cost, lower wages in terms of cost to the taxpayers, but still the Federal Government scale, a good work force in West Virginia, and I might add also it has the lowest crime rate in the country.

So there are strong reasons that dictate this move.

I understand the concerns that many have about this move. I understand the concerns of employees. There has been a lot of scare rhetoric, I think, put out about it, but I hope that we can work through these problems, because, indeed, I think what we will find is that many of those CIA employees who will be reassigned to the West Virginia unit will find that they either choose to live there—and, incidentally, the cost, the average cost, of a home in the panhandle is now $75,000, certainly quite competitive with what the cost of a home is in the Washington suburban, Virginia suburban, Maryland area.

□ 1850

Those costs reflect equally with the business community, but I understand the concerns that people have. I also understand those employees who choose to come will find that this is where they want to be, whether to raise their families there or simply to stay where they are presently living and to commute.

So far all these reasons, I know there will be more debate over this issue, but I do want to put on the record the very favorable aspects of moving 2,500 to 3,000 jobs that would be involved in data processing and support services for the CIA to Jefferson County, WV, just as other CIA facilities are due to be consolidated in Prince William County, VA.

So those of us from West Virginia think it is very important that these facts be known and that we begin the process of working through a lot of concerns that people have.

THE CRISIS IN CROATIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, for several weeks we all have been very concerned about a threatened, actually a raging civil war, including atrocities, which is taking place in Yugoslavia. Unfortunate cruelties and deaths are mounting up, both among the Serbians and the Croatians who live in the section known as Krajina and Slavonia in Croatia.

However, this afternoon Metropolitan Christopher of the Serbian Orthodox Diocese in Chicago was notified of the capture in Pakrac—a small community in Slavonia—of Bishop Lukijan and several Orthodox priests by the Croatian Army.

This news is most distressing to all persons familiar with the Holocaust that took place in this section of Yugoslavia in 1941 through 1945. At that time, many Serbian Orthodox clergy were tortured to death, along with their parishioners. We pray there will be no repetition of such cruelty.

Pakrac, which incidentally is the town where my mother was born and grew up, lost more than 50 percent of its population during World War II to slaughtering.

According to the information available this afternoon, Bishop Lukijan and his priests were driven out of their residence and fled into the woods where they later were captured.

In addition, valuable manuscripts were pulled out of the library there, since this church is the seat of the diocese in that area, and the manuscripts were strewn all over the woods. The church has been severely defaced.

Madam Speaker, there is grave concern over the safety of Bishop Lukijan and his priests. When advised about this sad state of affairs, Ambassador Warren Zimmerman of the U.S. Embassy in Belgrade said he would request the Government of Croatia to release the bishop and his men.

Madam Speaker, there are enough broken hearts, families and homes, over the desperate situation in the Krajina section of Croatia. Perhaps the freeing of the bishop can be a strong first step toward developing peace in this unsettled nation. We pray that can be accomplished with those of us on the outside who care helping to defuse the violence that threatens everything there.

DEMOCRACY MUST BE RESTORED IN HAITI

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, a violent coup has overthrown democracy in the nation of Haiti. This gross violation of the right of the Haitian people to govern themselves should be condemned by all who value democratic principles.

Just 8 months after democracy gained a foothold in Haiti, it has been brutally toppled by an illegal coup. Last February, many Haitians believed that Haiti had finally reached a turning point. After a series of dictatorships and military occupation democracy had at long last come to Haiti with the historic popular election of President Jean-Bertrand Aristide.

Now, this military coup threatens to destroy this young and fragile democracy. The international community cannot allow the coup to stand. Just as the coup plotters in Moscow realized that the will of the people cannot be crushed by military might, the coup plotters in Port-au-Prince must be made to understand that they will not succeed. Just as international pressure helped the Soviet people bring down the KGB coup, the community of nations should work together to help the Haitian people restore their democracy.

Last night, President Aristide calmly but forcefully called on the Organization of American States to come to the aid of the democratic aspirations of the Haitian people. They responded by authorizing an OAS delegation to travel to Port-au-Prince to seek to resolve this situation. I commend the OAS for their actions and call on our Government and those of other nations to take concrete steps to prod the leaders of the coup to step aside and restore President Aristide's government.

The people of Haiti have suffered under repressive regimes for far too long. We must protect their freedom to choose their own leaders.

THE FRESH CUT FLOWER REGULATION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I rise to introduce legislation designed to highlight and address the devastating competitive factors affecting the domestic cut flower industry in this

country. This is an industry that has seen a significant and steady decline over the past 6 years. This decline has been well documented and was the subject of a 1989 report that I requested to have the International Trade Commission [ITC] conduct an investigation into the factors affecting, specifically, the domestic rose-growing industry. This report effectively illustrated that since 1988, domestic production of roses had stagnated while imports increased by 33.1 percent making their share of the U.S. market to 41.2 percent by1990.

The cut flower industry as a whole has been captured by a greater degree by imports. Since 1987, there has been a decline of 18 percent in the number of growers, of 22.4 percent in the number of plants in production, of 14.4 percent in the area in production, of 18.1 percent in the volume of shipments, and of 14.9 percent in the sales value of domestic shipments. Colombia and other GSP-eligible countries accounted for all but the increase in volume and value of total imports. The industry has experienced a dismal trade balance in all fresh cut flowers, including roses, with a deficit of $365.6 million in 1988, worsening to a deficit of $405.6 million in 1990.

Great efforts have been made by the domestic industry to achieve a level playing field for competition against imports but the existing remedies have proved to be ineffective. Although there have been a select few determinations made by the Department of Commerce and of the International Trade Commission that have resulted in the promulgation of countervailing duty or antidumping duty orders on certain cut flowers, the massive volume has not abated. Based on a representative sampling of domestic growers, the profitability of fresh cut flower growers declined sharply to 0.4 percent return on sales in 1989 and a loss of 9.5 percent of sales in 1990.

The purpose of the legislation is to regulate fresh cut flowers in an equitable manner to prevent the destruction of the domestic flower growing industry while providing for participation of both domestic and foreign markets. In order to achieve this, the bill would require the Secretary of Commerce to monitor the selling prices of imported flowers and to self-initiate antidumping duty actions against unfairly traded flowers. In this way, the process of investigating antidumping will be more expedient to the producer by making the process more automatic. It would also amend the marking statute to assure that retailers and ultimate consumers of imported fresh cut flowers are advised of the country of origin of these flowers.

The ITC report mentioned above did indeed outline the competitive advantages that foreign markets have which has resulted in the stagnation and decline of small, family-owned businesses in the United States. The comparative strengths of the Colombian industry, our principal foreign competitor, include the availability of abundant labor, a growing season that is ideal for production throughout the year, a pricing system that is advantageous to United States importers, and an efficient distribution system. Without regulation of cut flowers to neutralize the unfair competitive advantage of foreign producers, the negative return on investment from growing flowers will force family farms out of business.

In my district alone, I have two major centers of rose greenhouse production in California. Rose production here is by far the greatest of the 33 States with commercial rose greenhouses. I am concerned about the administrative apparatus to deal with harmful effects of unfair foreign trade competition on our domestic industry that have failed to adequately protect our domestic flower industry. We must assess the options for remedying the situation and enable domestic rose growers to compete in domestic and foreign markets.

I am in favor of trade agreements but they must be fair trade agreements. As the President begins these careful reviews and negotiations with our current and future trading partners, great consideration must be given to problems affecting American workers, the environment, and many key industries, including agriculture and horticulture. Any agreement demands close congressional oversight to ensure adequate protection for industries, our workers and consumers. American industries cannot be expected to bear the burden of our efforts to improve economies abroad.

Thank you, Mr. Speaker. The text of the legislation is as follows:

H.R. 3484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fresh Cut Flower Import Regulation Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Authorization of allocation of import duty collections on fresh cut flowers to fund departmental cost of administration.

TITLE I—QUANTITATIVE LIMITATION OF IMPORTS OF FRESH CUT FLOWERS

Sec. 101. Definitions.
Sec. 102. Determination by the Secretary of Agriculture.
Sec. 103. Publication and effective date of the Secretary's determination.
Sec. 104. Revisions of the Secretary's determination.
Sec. 105. Publication and effective date of revisions of the Secretary's determination.
Sec. 106. Enforcement of the Secretary's determination and revisions thereof by the Secretary of the Treasury as quantitative limitations on imports.
Sec. 107. Action by the President to proclaim the quantitative limitations established by the Secretary of Agriculture effective by embodying them in appropriate provisions of the Harmonized Tariff Schedules of the United States.

TITLE II—REALLOCATION ON UNUSED COUNTRY QUOTAS

Sec. 201. Reallocation of unused country quotas among other supplying countries by the Secretary of Agriculture: the Secretary's reallocation determination.
Sec. 202. Publication and effective date of the Secretary's reallocation determination.

TITLE III—COUNTRY OF ORIGIN IDENTIFICATION OF IMPORTED FRESH CUT FLOWERS

Sec. 301. Amendment of section 304 of the Tariff Act of 1930 to provide for marking to inform flower retailers and ultimate consumers of fresh cut flowers of the country of origin of imported flowers.
Sec. 302. Amendment of section 5A of the Federal Trade Commission Act to specify that failure to disclose the country of origin to flower retailers and ultimate consumers of imported fresh cut flowers is an unfair act or practice in commerce.

TITLE IV—MONITORING OF THE PRICES OF IMPORTED FRESH CUT FLOWER BY THE SECRETARY OF COMMERCE; SELF-INITIATION BY HIM OF ANTIDUMPING DUTY INVESTIGATIONS OF IMPORTS BEING OFFERED OR SOLD BELOW THEIR FAIR VALUE

Sec. 401. Monitoring by the Secretary of Commerce of the prices at which imported fresh cut flowers are sold in the United States.
Sec. 402. Monitoring by the Secretary of Commerce of the fair value prices of imported fresh cut flowers sold in the United States.
Sec. 403. Requirement that the Secretary of Commerce self-initiate antidumping duty investigations of imports of fresh cut flowers determined by him to be sold in the United States at less than fair value.
Sec. 404. Publication by the Secretary of Commerce of his determinations.
Sec. 405. Disclosure to interested parties by the Secretary of Commerce under administrative protective order of the prices determined pursuant to sections 401 and 402.
Sec. 406. Notice to interested parties and opportunity for them to present information and views to the Secretary pertinent to his obligations under sections 401, 402, and 403.

SEC. 2. FINDINGS AND PURPOSES

(A) FINDINGS.—the Congress finds that:

(1) Pursuant to a request of the Congress in section 4509 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 102 Stat. 1107), the International Trade Com-

mission conducted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) of the competitive factors affecting the domestic rose-growing industry, including competition from imports, and the extent to which unfair trade practices and foreign barriers to trade are impeding the marketing abroad of domestically produced roses. By its publication 2178 of April 1989, the Commission reported to Congress that the United States fresh cut rose industry has steadily lost market share to imported roses over the last decade, and that by 1988, imports had increased their share of the United States market by over 40 percent since 1985, accounting for 37.9 percent of apparent consumption. The Commission reported that the financial performance of the United States rose-growing industry had declined to a low of 3.5 percent in 1988, with almost 38 percent of the growers reporting losses in that year. The Commission found that domestic growers must compete with foreign growers primarily on the basis of price, and that imported roses enter the United States market without an established price, because sold on consignment, and that the United States importer accordingly assumes very little risk in the transaction, resulting in lower prices than if the importer assumed ownership of the imported product. At the same time, the Commission reported that United States producers interested in exporting roses may face competition from foreign producers that benefit from government-sponsored programs which could impede the trade of United States-produced roses in foreign markets. Since 1988, domestic production of roses has essentially stagnated, while imports of roses have burgeoned, increasing by 33.1 percent by volume, boosting their share of the United States market to 41.2 percent by 1990.

(2) The domestic market for other fresh cut flowers has also been captured to an even more massive degree by imports. Since 1987, through the year 1990, there has been a decline of 18 percent of the number of growers, of 22.4 percent in the number of plants in production, of 14.4 percent in the area in production, of 18.1 percent in the volume of shipments, and of 14.9 percent in the sales value of domestic shipments. Between 1988 and 1990, the domestic market has been overwhelmed by imports; the imports to domestic shipments ratio increased to 218.1 percent by volume and 161.3 percent by value, with Colombia and GSP-eligible countries accounting for all but the ratio of 1 percent by volume and 2.4 percent by value of total imports. The share of the market captured by the principal categories of fresh cut flowers other than roses by 1990 is 52.6 percent for miniature and 75.1 percent for standard carnations; 62.5 percent for pompons and 62.6 percent for standard chrysanthemums, 11.1 percent for anthuriums; 73.5 percent for dendrobium and other orchids; and for a basket of other fresh cut flowers including gypsophila, gerberas, alstromeria, and statice (all varieties), 47.0 percent.

(3) The United States balance of trade in all fresh cut flowers, including roses, was a deficit of $365,600,000 in 1988, worsening to a deficit of $405,600,000 in 1990.

(4) Efforts by the domestic fresh cut flower industry to achieve a level playing field in the United States market for competition against imports have been persistent but unavailing as existing remedies have provided to be ineffective as applied to unfairly traded fresh cut flower imports. Notwithstanding the determinations of the Department of Commerce and of the International Trade Commission resulting in the promulgation of countervailing duty and/or antidumping duty orders on certain fresh cut flowers from Colombia, Chile, Costa Rica, Ecuador, Kenya, Mexico, Peru, the Netherlands, and Canada, and on roses from Israel, and a countervailing duty suspension agreement on roses from Colombia, the massive volume and sharply rising tide of imports has not abated. During the first 4 months of 1991, imports of carnations increased by nearly 20,000,000 stems over the same period in 1990, while by mid-July, rose imports had increased by 49,000,000 stems over the like period of 1990.

(5) Based upon a representative sampling of domestic growers, the profitability of fresh cut flower growers, including rose growers, declined sharply to a bare 0.4 percent return on sales in 1989 and a loss of 9.5 percent of sales in 1990.

(6) Notwithstanding the direction of the Congress in section 4509(c) of the Omnibus Trade and Competitiveness Act of 1988 that the United States Trade Representative, the Secretary of Commerce, and the Secretary of Agriculture should use all available remedies within their respective jurisdictions to assist the domestic rose-growing industry to enhance its ability to compete in the domestic and world markets against foreign-grown roses, no relief has been forthcoming for the domestic rose industry. The domestic commercial greenhouses growing roses and the other fresh cut flowers are threatened with destruction by the uncontrolled and mounting flood of imports which are unfairly sold via the consignment method of prices which undercut the domestic flowers in all markets and in all seasons. Time is now of the essence for the granting of relief to prevent this traditional and creative small business, essentially second or third generation family-owned business segment of the agribusiness industry from destruction.

(b) PURPOSES.—The purposes of this Act are to—

(1) regulate foreign commerce in roses and other fresh cut flowers in an equitable manner to prevent the destruction of the investment and jobs in the domestic commercial flower growing segment of the agribusiness industry, while allowing stable participation for both domestic and imported flowers in the future growth of domestic consumption;

(2) to require the Secretary of Commerce to monitor the selling prices of imported flowers and to self-initiate antidumping duty actions against unfairly traded flowers;

(3) to amend the marking statute so as to assure that retailers and ultimate consumers of imported fresh cut flowers are advised by clear and distinct marking of the country of origin of such flowers; and

(4) to declare it an unfair and deceptive act and practice in commerce within the meaning of section 5A of the Federal Trade Commission Act for importers, wholesalers, and retailers to sell imported flowers without disclosing the fact of their being imports and of the country of origin to ultimate purchasers of the flowers.

SEC. 3. AUTHORIZATION OF ALLOCATION OF IMPORT DUTY COLLECTIONS ON FRESH CUT FLOWERS TO FUND DEPARTMENTAL COSTS OF ADMINISTRATION.

(a) FRESH CUT FLOWER IMPORT REGULATION TRUST FUND.—There is hereby established within the Treasury of the United States a trust fund to be known as the Fresh Cut Flower Import Regulation Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section.

(b) TRANSFER OF AMOUNTS TO TRUST FUND.—(1) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty imposed by Harmonized Tariff Schedules of the United States (1991), Heading 0603.10.

(2) The amounts which are required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than, the amounts required to be transferred.

(3) The Secretaries of Commerce and of Agriculture are authorized to requisition funds from the Trust Fund to defray the costs of their administration of their duties under this Act.

(4) The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall submit an annual report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the financial condition and the results of the operations of the Trust Fund during the fiscal year preceding the fiscal year in which such report is submitted, and on the expected condition and operations of the Trust Fund during the fiscal year in which such report is submitted.

(5) The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals in response to requisitions by the Secretaries of Commerce and Agriculture. Such investments may be made only in interest-bearing obligations of the United States. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price. 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 party of the Trust Fund.

(6) Amounts in the Trust Fund shall be available as provided in appropriation Acts for expenditures by the Secretaries of Commerce and of Agriculture that are required to carry out the provisions of titles I, II, and IV of this Act. The Secretaries of Commerce and Agriculture shall consult with the Secretary of the Treasury concerning their projected requirements to carry out such provisions of this Act.

(7) There are authorized to be appropriated to the Trust Fund, as repayable advances, such sums as may from time to time be necessary to make the expenditures described in paragraph (6) of this subsection.

TITLE I—QUANTITATIVE LIMITATION OF IMPORTS OF FRESH CUT FLOWERS

SEC. 101. DEFINITIONS.

For purposes of this Act:

(1) The term "fresh cut flowers" means those flowers provided for under the Harmonized Tariff Schedules of the United States (1991) Heading 0603.10.

(2) The term "flower retailers" means those commercial establishments which sell fresh cut flowers directly to ultimate consumers.

(3) The term "ultimate consumers" means those persons, firms, organizations, or other associations or entities which purchase fresh

cut flowers for their own use and not for resale.

(4) The term "domestic consumption of fresh cut flowers" means that quantity of fresh cut flowers determined by the Secretary of Agriculture to constitute the new supply of fresh cut flowers to the United States domestic market. The Secretary's determination shall include imports and commercial shipments of domestically grown fresh cut flowers, exclusive of exports.

SEC. 102. DETERMINATION BY THE SECRETARY OF AGRICULTURE.

(a) IN GENERAL.—Annually, the Secretary of Agriculture shall determine for each of the following categories of fresh cut flowers the domestic consumption in quantity of stems for the most recent 12-month period for which domestic shipment and import data are available and the respective shares of consumption accounted for by domestic shipments and by total imports.

(b) ESTIMATION OF DOMESTIC CONSUMPTION.—Based on the econometric data available to the Secretary pertinent to anticipated demand for floricultural products, including consideration of established trends in domestic shipments and imports of fresh cut flowers, the Secretary shall estimate the expected domestic consumption of the designated categories of fresh cut flowers for the 12-month period next following the lapse of 30 calendar days following his publication in the Federal Register of the expected domestic consumption in such 12-month period and the respective shares expected to be supplied by domestic shipments and by imports: sweetheart roses; other roses; miniature carnations; standard carnations; standard chrysanthemums pompon chrysanthemums; anthuriums; dendrobium and other orchids, daisies, gerberas, alstroemeria, static (all varieties), gypsophila, and other fresh cut flowers.

(c) SHARES OF EXPECTED CONSUMPTION.—If the expected share to be supplied by imports as determined by the Secretary exceeds the following shares of expected consumption, the share of consumption allocated by the Secretary to total imports shall not exceed those specified shares of consumption: roses, 37.9 percent; miniature carnations, 52.6 percent; standard carnations, 75.1 percent; pompon chrysanthemums, 62.5 percent; standard chrysanthemums, 62.6 percent, anthuriums, 11.1 percent; dendrobium and other orchids, 73.5 percent; gypsophila, daisies, gerberas, alstroemeria, statice (all varieties), and other fresh cut flowers, 47.0 percent.

(d) SUBALLOCATION AMONG SUPPLYING COUNTRIES.—The Secretary shall suballocate 95 percent of the share of expected domestic consumption among supplying countries in proportion to their supply of imports for consumption during the 12-month period whose data was considered by the Secretary pursuant to subsection (a) of this section. The remaining 5 percent shall be reserved for new supplying countries.

SEC. 103. PUBLICATION AND EFFECTIVE DATE OF THE SECRETARY'S DETERMINATION.

(a) PUBLICATION OF ANNUAL DETERMINATION.—The Secretary's annual determinations specified in section 102 shall be published in the Federal Register not later than December 1 of each year. The supplying country shares of expected domestic consumption allocated to its imports for each of the categories of fresh cut flowers specified in section 102 shall be effective as quantitative limitations of such imports entered or withdrawn from warehouse for consumption for the ensuing year. A quantitative quota equal to 5 percent of total imports of each category of flower shall be allocated to new supplying countries on a first come, first served basis until the quota is exhausted.

(b) QUARTERLY DETERMINATION AND PUBLICATION.—The Secretary shall determine an allocation of the annual country/product quotas among the calendar quarters of the year based on the historical fluctuation in consumption from quarter to quarter. He shall publish the quarterly allocations as part of the determinations specified in subsection (a) of this section.

SEC. 104. REVISIONS OF THE SECRETARY'S DETERMINATION.

(a) IN GENERAL.—Whenever the Secretary of Agriculture determines that there is expected to be in an ensuing calendar quarter or quarters either a significant shortfall in domestic shipments such that a substantial undersupply of the domestic market will occur, or a significant decline in apparent domestic consumption over his projection upon which the then current quota is based such that the entry or withdrawal for consumption of the permissible quota quantity of imports would create a significant oversupply in the market, of one or more of the specified categories of fresh cut flowers to the domestic market, he shall determine for such ensuing calendar quarter or quarters a special limited increase or decrease, as the case may be, in the global import quota equal to the expected shortfall of domestic shipments or import surplus in domestic supply of the affected category or categories of fresh cut flowers. In making such determination, the Secretary shall take into consideration the information and views of domestic growers, wholesalers, trade associations and the information supplied by the field marketing services of the Department of Agriculture.

(b) ALLOCATION OF INCREASE OR DECREASE IN QUOTA.—The Secretary shall allocate the special limited increase or decrease, as the case may be, in the global import quota for the specified category or categories of fresh cut flowers among supplying countries in proportion to their respective shares of domestic consumption as determined under section 102 and 103 of this Act.

SEC. 105. PUBLICATION AND EFFECTIVE DATE OF REVISIONS OF THE SECRETARY'S DETERMINATION.

The Secretary's determination of a special limited change in the global import quota for the specified category or categories of fresh cut flowers among supplying countries shall be effective as specified in his notice within thirty days of its publication.

SEC. 106. ENFORCEMENT OF THE SECRETARY'S DETERMINATION AND REVISIONS THEREOF BY THE SECRETARY OF THE TREASURY AS QUANTITATIVE LIMITATIONS ON IMPORTS OF FRESH CUT FLOWERS.

(a) IN GENERAL.—The Secretary of the Treasury shall enforce the quantitative limitations on imports of fresh cut flowers in accordance with the determinations of the Secretary of Agriculture as published pursuant to sections 103, 105, and 202 of this Act.

(b) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Treasury are authorized to promulgate such regulations as are necessary or appropriate to carry out the quantitative limitations on imports of fresh cut flowers established by section 103, 105, of this section, and section 202 of this Act.

SEC. 107. ACTION BY THE PRESIDENT TO PROCLAIM THE QUANTITATIVE LIMITATIONS ESTABLISHED BY THE SECRETARY OF AGRICULTURE EFFECTIVE BY EMBODYING THEM IN APPROPRIATE PROVISIONS OF THE HARMONIZED TARIFF SCHEDULES OF THE UNITED STATES.

The President shall embody in the Harmonized Tariff Schedules of the United States the substance of the relevant provisions of titles I and II of this Act, and the determinations of the Secretary of Agriculture thereunder, including the determination of, allocation, revision, and reallocation of import quotas by the Secretary.

TITLE II—REALLOCATION OF UNUSED COUNTRY QUOTAS

Sec. 201. REALLOCATION OF UNUSED COUNTRY QUOTAS AMONG OTHER SUPPLYING COUNTRIES BY THE SECRETARY OF AGRICULTURE: THE SECRETARY'S REALLOCATION DETERMINATION.

Prior to the lapse of the third calendar quarter of each year, the Secretary of Agriculture will review the volume of imports of each category of fresh cut flowers received from each supplying country. If he finds that any country has not filled its quota of a particular category of fresh cut flowers by an amount equal to 50 percent or more of its quota, the Secretary shall reallocate the unused portion of the prior calendar quarter quotas to other supplying countries in proportion to their respective shares of domestic consumption.

SEC. 202. PUBLICATION AND EFFECTIVE DATE OF THE SECRETARY'S REALLOCATION DETERMINATION.

The Secretary's determination of a reallocation of unused portions of a country's quota for a particular fresh cut flower shall be effective as specified in his notice within thirty days of its publication in the Federal Register.

TITLE III—COUNTRY OF ORIGIN IDENTIFICATION OF IMPORTED FRESH CUT FLOWERS

SEC. 301. AMENDMENT OF SECTION 304 OF THE TARIFF ACT OF 1930 TO PROVIDE FOR MARKING TO INFORM FLOWER RETAILERS AND ULTIMATE CONSUMERS OF FRESH CUT FLOWERS OF THE COUNTRY OF ORIGIN OF IMPORTED FLOWERS.

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), is further amended to redesignate existing subsections (f) and (g) as subsections (g) and (h), respectively, and to insert a new subsection (f), to read as follows:

"(f) MARKING OF FRESH CUT FLOWERS.—No exception may be made under subsection (a)(3) of this section with respect to fresh cut flowers, as provided for under Harmonized Tariff Schedules of the United States, Heading 0603.10, each of which shall be individually marked on the stem, or on the packaging in which the flowers are sold to flower retailers and to ultimate consumers of fresh cut flowers, so as to indicate conspicuously, legibly, and continuously until the flower reaches the ultimate consumer in the United States the English name of the country of origin of the flower.".

SEC. 302. AMENDMENT OF SECTION 5A OF THE FEDERAL TRADE COMMISSION ACT TO SPECIFY THAT FAILURE TO DISCLOSE THE COUNTRY OF ORIGIN TO FLOWER RETAILERS AND ULTIMATE CONSUMERS OF IMPORTED FRESH CUT FLOWERS IS AN UNFAIR ACT OR PRACTICE IN COMMERCE.

Section 5A of the Federal Trade Commission Act, as amended (15 U.S.C. 45) is further amended to add the following paragraph to subsection (a) thereof, to read as follows:

"(4) It shall be an unfair act or practice in commerce for anyone in the chain of distribution to sell in the United States imported fresh cut flowers, as provided for in the Harmonized Tariff Schedules of the United States, Heading 0603.10, without indicating to the ultimate consumers of such flowers conspicuously, legibly, and continuously the English name of the country of origin thereof by means of individual marking on the stem, or on the packaging in which the flowers are sold.".

TITLE IV—MONITORING OF THE PRICES OF IMPORTED FRESH CUT FLOWERS BY THE SECRETARY OF COMMERCE; SELF-INITIATION BY HIM OF ANTI-DUMPING DUTY INVESTIGATIONS OF IMPORTS BEING OFFERED OR SOLD BELOW THEIR FAIR VALUE

SEC. 401. MONITORING BY THE SECRETARY OF COMMERCE OF THE PRICES AT WHICH IMPORTED FRESH CUT FLOWERS ARE SOLD IN THE UNITED STATES.

The Secretary of Commerce shall continuously monitor the prices at which imported fresh cut flowers are sold in the United States. In doing so, he may enlist the assistance of the Secretary of Agriculture, the Secretary of the Treasury and the United States International Trade Commission as he may determine useful and appropriate. Not less often than quarterly he shall make a determination of the range and average selling prices of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total imports of such categories. The Secretary shall consider the United States prices of imported flowers on the basis of the net back price remitted to the foreign growers by the importers who receive the flowers on consignment, and sell at prices which the International Trade Commission found in its section 332 investigation of roses, are "below that which would be charged if the importer assumed ownership of the product," which the Congress considers to be *prima facie* unfair because below the fair value of such flowers.

SEC. 402. MONITORING BY THE SECRETARY OF COMMERCE OF THE FAIR VALUE PRICES OF IMPORTED FRESH CUT FLOWERS SOLD IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Commerce shall continuously monitor the prices at which imported fresh cut flowers are sold in the principal export markets other than the United States in order to determine the probable fair value of the imported flowers. Not less often than quarterly he shall make a determination of the range and average export to principal third country selling prices of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total United States imports of such categories. The Secretary shall consider that export sales to third countries of flowers that are consigned to the importers in such countries for sale by them on a commission basis at prices to be determined by them, result in inherently unfair net back prices which are *prima facie* below fair value. The Secretary should not utilize the resale, commission-applicable prices, nor the net back prices to the foreign growers supplying the flowers, of such third country transactions as the basis of fair value. Instead, the Secretary should base his fair value determination as specified in subsection (b) of this section.

(b) ESTIMATES OF COSTS OF PRODUCTION IN CASE OF ABNORMALLY LOW PRICES.—Where the Secretary has reason to believe that the third country export prices are so low as to indicate the probability that the flowers are being sold below their cost of production, he will enlist the assistance of commercial counselor representatives in the United States Embassies in the originating countries to secure best available estimates of the cost of production of the flowers. Not less often than quarterly he shall make a determination of the range and average cost of production of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total United States imports of such categories where he has reason to believe that third country export prices are so low as to indicate the probability that the flowers are being sold below their cost of production.

(c) DETERMINATION OF PROBABLE FAIR VALUE.—The Secretary shall base his determination of the probable fair value of the imported flowers on third country export prices or on constructed value as he may deem appropriate. Not less than quarterly he shall make a determination of the range and average cost of production of each category of fresh cut flowers from supplying countries accounting for 5 percent or more of total United States imports of such categories where he has reason to believe that third country export prices are so low as to indicate the probability that the flowers are being sold below their cost of production.

SEC. 403. REQUIREMENT THAT THE SECRETARY OF COMMERCE SELF-INITIATE ANTI-DUMPING DUTY INVESTIGATIONS OF IMPORTS OF FRESH CUT FLOWERS DETERMINED BY HIM TO BE SOLD IN THE UNITED STATES AT LESS THAN FAIR VALUE.

The Secretary of Commerce shall commence an antidumping duty investigation pursuant to section 732(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a(a)(1)), whenever he determines from the selling price in the United States and his estimate of fair value as ascertained by him pursuant to sections 401 and 402 of this Act that a specific category or specific categories of fresh cut flowers from one or more supplying countries appear to be sold at less than their fair value by greater than de minimis margins.

SEC. 404. PUBLICATION BY THE SECRETARY OF COMMERCE OF HIS DETERMINATIONS.

The Secretary shall publish in the Federal Register not less frequently than quarterly his determinations pursuant to sections 401 and 402 of the United States selling prices and of the fair value of sweetheart roses; other roses; miniature carnations; standard carnations; standard chrysanthemums; pompon chrysanthemums; anthuriums; dendrobium and other orchids; daisies; gerberas; alstroemeria; statice (all varieties); gypsophila and other fresh cut flowers from supplying countries individually accounting for 5 percent or more by volume of total imports of such flowers.

SEC. 405. DISCLOSURE TO INTERESTED PARTIES BY THE SECRETARY OF COMMERCE UNDER ADMINISTRATIVE PROTECTIVE ORDER OF THE PRICES DETERMINED PURSUANT TO SECTIONS 401 AND 402.

Pursuant to section 777(c)(1)(A) and (B) of the Tariff Act of 1930, as amended (19 U.S.C. 1677f(c)(1)(A) and (B)), the Secretary shall make available to interested parties under administrative protective order such proprietary information pertaining to prices and cost of production as he acquires in the course of the performance of the duties specified in sections 401 and 402 of this Act. Under regulations promulgated by the Secretary, interested parties to whom information is so disclosed may retain the information for use in accordance with the terms of the administrative protective order in connection with their submission of views pursuant to section 406 of this Act.

SEC. 406. NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR THEM TO PRESENT INFORMATION AND VIEWS TO THE SECRETARY PERTINENT TO HIS OBLIGATIONS UNDER SECTIONS 401, 402, AND 403.

(a) IN GENERAL.—Prior to the Secretary's undertaking to collect price and fair value information for use in making his quarterly determinations under sections 401 and 402 of this Act, the Secretary shall publish in the Federal Register notice of his intention to receive and consider information pertinent to such determinations, with an indication of the opportunity for interested parties to submit information pertinent to his consideration. The notice shall afford interested parties not less than 30 days from the publication of the notice in the Federal Register within which to submit written information. The notice shall specify the address to which communications from interested parties shall be submitted and the name and telephone number of the staff person responsible for receipt and evaluation of the submitted information.

(b) NOTICE.—Not less than 30 days prior to his publication of a Notice to Initiate An Antidumping Duty Proceeding on a specified category or categories of fresh cut flowers from one or more supplying countries, pursuant to section 404 of this Act, the Secretary shall publish in the Federal Register a notice of his intention to so initiate such an antidumping duty proceeding, and therein inform interested parties of their opportunity to sumbit written views within a period of 15 days from the publication date of the notice in the Federal Register. The Secretary shall take such views into consideration in determining whether to proceed with his intended initiation of an antidumping duty proceeding.

THE NEW PEACE RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] was recognized for five minutes.

Mr. HUTTO. Madam Speaker, I can still remember the civil defense evacuation plans, the air raid drills in schools, and the construction of bomb shelters all over the United States. Not so long ago, the cold war with the Soviet Union was at its peak with the costly struggle of the nuclear arms race. This struggle not only affected America's pocketbook, but fed our fear of a possible nuclear mishap. Today, the chill of this war is over, and we are in the midst of a new race. The Peace race.

Last Friday night, President Bush addressed the country and urged the Soviet Union to join us unilaterally in reducing the chances of nuclear war. While many may see this as an opportunity to begin reaping the fruits of a peace dividend, I believe that this invitation directly recognized the fine work of our military men and women in maintaining the peace. In 1957, for example, we had B-52 bombers and

their crews on 24-hour alert. This alert finally ended on Saturday, with the recall of B-1 and B-52 bombers off alert status. Let us also remember the important role of the men and women who worked in the Minuteman missile silos. As you know, the President's plan calls for the accelerated termination of the Minuteman II defense system. In addition, the President's directive affects many other weapons systems of all our Armed Forces in the United States and overseas. Undoubtedly, the planners in Moscow considered all these weapons in their war planning. More importantly, though, these weapons were worth their costs because they deterred war.

But without the men and women of our armed forces who operated these weapons, the peace would not have been preserved. These people made the sacrifices of sleepless nights, separation from family and friends, received injuries in the line of duty, and even risked their lives. As the bombs are put in storage and our people stand down from this high alert after so many years, I am grateful for their contributions. Thank God we never had to test the full value of their dedication to duty.

A TRIBUTE TO THE LATE LILY SOTO, FORMER OFFICE MANAGER OF CONGRESSMAN HUNTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] was recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I take the well to talk about an event that I never thought would happen. It was always furthest from my mind and I think that of many of our friends and family and members of our congressional office, and that is that my dear friend, our dear friend and office manager ever since I was a barrio attorney in San Diego and later a freshman Congressman, my office manager, Lily Soto, passed away yesterday about 4 o'clock.

I want to talk about Lily Soto because I think that her story represents and reflects everything that makes this country good and makes our country great.

Lily Soto became my office manager when I was practicing law in the barrio and we had half of a barbershop as our law office. I took a hammer and nails and went down the middle of it with a gentleman on the other side who had an immigration office. I had a little law office on my side. Lily Soto was my officer manager. She did everything. She was my secretary. She made policy decisions around the office. She had a wonderful manner with people.

In 1980, when my mother and father, who really were my first campaign managers in my race for Congress, came into my office one day and said, "Son, we think you can run for Congress."

And I said, "Who, me?"

And I have always considered my father to be the smartest guy in American politics. Nothing has happened in the last 10 years nor have I seen anyone in Washington, DC to change that feeling, and the same about my wonderful mother who now is in very difficult shape. When they came in and said, "You can win this thing and you've got a chance," Lily Soto was right there with us.

Now, she had nine children, and of all the things that she represented and of all the jobs that she did as a public servant and as an office manager for me and as a friend of the community, her greatest role and I think the greatest role in America was as a mother, because she was the mother of many, Jeanie Duran, who is now 31 years old, Mitzi, who is 27, Julian, 23, Sachi, 20, and I remember when Sachi was just a baby, and of course her children by her husband's former marriage. Her husband, John Soto, is a fine gentleman. There was Willy, Jonnie, Gutavo, Diane, and Mary.

Lily had all those considerations, but she had a manner about her, an organizational ability that allowed her to raise this family and be a mother to them and be a great friend to me and my family and my sons, Duncan, Sam, my wife, and my mother and father.

□ 1900

And to run this little one-horse campaign for the U.S. Congress out of a little storefront office in the barrio in San Diego, Lily Soto loved people and she served people and was happy about serving people.

Later on when I became a congressman and we managed to win without having a big consulting firm because we had Lily there working tirelessly, later on she endeavored in my office, as our office manager, always endeavored to do things that involved children. When we had a little Christmas every year for the children of San Ysidro, where any child who wanted to come to the community center there could get a gift, something to eat and something to drink to celebrate Christmas, and we had literally people backed up almost as far as you could see, mothers bringing in their kids, some of them without any money whatsoever. That operation was a success because Lily Soto and Sachi and the rest of her family, and the rest of our wonderful staff, Cindy Rainville, Helen Tracey, Bob and Tita Medina and Cato and Pilina Cadillo and the others would work with Lily and they would put together these little packages, little gifts for children and wrap them up with ribbons and spend a great deal of time bringing a little happiness for people who did not have a lot of money and had not had a chance to really enjoy the Christmas in the way children should be able to enjoy Christmas.

So we would have these big Christmas parties for the children of San Ysidro and later on for the children of Imperial Valley, and Lily was right there in the center of it. It was like a big whirlwind, a cyclone, and right in the center would be Lily running things, making people happy, always caring about other people.

Madam Speaker, Lily was interned at one of the Japanese internment camps as a United States/Japanese citizen in World War II, as a child. Interestingly, and typically for Lily, she said, "I am against this payoff or payment of money to people who were in the camps. A lot of people suffered in World War II, and nobody should be treated any differently than anybody else." That was typical of Lily because she always thought of others.

She was a wonderful, wonderful mother. The interesting thing is that her love for her children and for all the children in the community was returned 10-fold.

Children loved her. My little boys, Sam and Dunc—Dunc was born in 1976, when Lily was my secretary, as a lawyer, and Sam was born in 1983—they absolutely adored Lily, as all of the children of the community did who came into contact with her.

You know, we have a wonderful, wonderful staff of people, and the people whom I have mentioned, Cato, his great wife, Pilina, Bob and Tita Medina, who have been with me for a long time, and Crystal Alexander, Helen Tracey, whom I like to remember as General George Patton's secretary during World War II; Cindy Rainville and my district representative, Wendell Cutting, they all kind of took a little moral impetus from Lily Soto.

Madam Speaker, she was a happy person, she was a good person to be around. You know, for the people who walked into the door of my congressional office who had serious problems—and many people come into our offices where we have problems that would not be big in Washington but are literally life-and-death situations for our constituents—Lily Soto would very seriously handle their cases and refer them to the right person, and she always took their problems seriously and took them as her problems.

Madam Speaker, Lily treated people right and made them feel good, and she was fair and she was honest. With all of the talk about Government service, sometimes that service not being what it should be, I have always thought of Lily Soto as a person who really epitomized what Government service should be.

What a smile, what a great heart, what a good friend.

And to all of the people who are in our office, Lily is going to have her

final service on Saturday, and I will see you there. Lynne and I are going to by flying back tomorrow.

Madam Speaker, let me just say in closing that Lily Soto was a public servant, a great friend of the community and, more importantly, represented the epitome of what I think is the most important position in America; she was a great mother.

The SPEAKER pro tempore (Ms. DELAURO). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

[Mr. GINGRICH addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

PERMANENT SOLUTION TO PRESERVATION OF AFFORDABLE HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, it is with great reluctance that today I introduce a bill to make clarifying amendments in the legislation that we passed last year to provide a permanent solution to the thorny problem of the preservation of affordable housing. After a long delay HUD published proposed regulations in April to implement this law. Regrettably the regulations fly in the face of congressional intent in a variety of important ways that will prevent the successful implementation of a permanent solution to the preservation problem. This legislation simply restates the Congress' original intent so that the preservation program can proceed as we intended.

Last year, after a long and sometimes bitter fight we agreed to legislation that balanced the rights of the tenants, the owners, and the Federal Government as we addressed the problem of affordable housing whose owners were eligible to prepay their mortgages after 20 years, displacing low-income families. We devised a solution that would preserve the maximum number of affordable housing units, at the lowest cost to the Federal Government, while providing a fair return to the owners. The solution also provides a process for nonprofits and tenants' groups to purchase such housing to maintain the housing for rent or to sell to low-income residents under the home ownership program.

In response to the proposed rule that purports to implement that carefully crafted balance, HUD has received more than 250 highly critical comments, including mine, and to date they have neither published an interim rule nor indicated that they will make any substantive changes in response to all the negative comments. It seems remarkable to me that despite the fact that virtually all the comments expressed the exact same concerns from Members of Congress, tenants, local governments, to owners, HUD has apparently refused to budge.

This proposed rule is simply breaking the agreements and legislative intent. Therefore, it is necessary to introduce legislation to close loopholes and clarify our intent with respect to prepayment and a variety of other issues.

It is time we take a stand; for this issue is simply too important. Now what does this legislation do?

Changes the short title to exclude resident homeownership. The resident home ownership option remains in the program; it is just not highlighted so that the Secretary can use it as a reason for drafting the rules as they did.

Requires that the appraisal guidelines be published for comment within 30 days of enactment of this Act.

Elaborates on the requirements of the Secretary's finding that a project owner can prepay a mortgage, establishing standards for the written finding and requiring a procedure and criteria for making the finding.

Establishes that the 8-percent return will be available during the first year after the plan of action is approved and implemented.

Prevents the setting of priorities among priority purchasers, skewed to resident home ownership, by permitting the seller to accept any priority purchaser without HUD's interference. It further gives the seller-owner the right to accept or reject offers and determine the terms of a bona fide offer.

Explicitly provides a return on investment to nonprofits.

Eliminates the windfall profits test.

Prevents HUD from requiring that the resident council purchaser under the home ownership program prepay the mortgage and terminate use restrictions.

Requires HUD to publish regulations for the delegated responsibility to States' agencies within 30 days.

Expands the related party rule establishing certain exemptions to facilitate transfers to nonprofits, including permitting seller financing.

Establishes a 40-year term for the section 241(f) equity loan and requires rather than permits the Secretary to combine section 241 (d) and (f) loans.

To us it was pretty clear that this was our intent all along, but HUD seems to want to divine new intent to further their own objectives and subvert ours. It is rare on housing matters that for-profit owners and nonprofits are on the same side. They are now. Thus I, on behalf of Mr. BARNARD, Mr. FRANK, Mr. KENNEDY, Mr. WYLIE, Ms. ROUKEMA, and Mr. RIDGE, members of the Housing Subcommittee who worked so hard on this issue last year, and Chairman MONTGOMERY, introduce this legislation for the Congress' consideration.

CONFERENCE REPORT ON H.R. 2426

Mr. HEFNER submitted the following conference report and statement on the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-236)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) "making appropriations for military construction for the Department of Defense 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 16, 25, and 27.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$113,000,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$76,000,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$69,900,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$724,740,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$74,600,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$225,000,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$231,117,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$217,566,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$110,389,000*; 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 *$59,900,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,390,025,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,557,245,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$703,700,000*; 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 *$902,140,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$903,200,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,075,283,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$220,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 3, 5, 10, 15, 19, 22, 28, 29 and 30.

BILL HEFNER,
BILL ALEXANDER,
LINDSAY THOMAS,
RONALD D. COLEMAN,
TOM BEVILL,
CHARLIE WILSON,
NORMAN D. DICKS,
VIC FAZIO,
JAMIE L. WHITTEN,
BILL LOWERY,
MICKEY EDWARDS,
TOM DELAY,
JIM LIGHTFOOT,
JOE MCDADE.

Managers on the Part of the House.

JIM SASSER,
DANIEL K. INOUYE,
HARRY REID,
WYCHE FOWLER, JR.
ROBERT C. BYRD,
PHIL GRAMM,
JAKE GARN,
TED STEVENS,
MARK O. HATFIELD.

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 Senate to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, 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.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 102–74 and Senate Report 102–147 should be complied with unless specifically addressed to the contrary in this conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Philippines—Clark Air Base and Subic Bay Naval Station.—The conferees understand that plans are being developed for withdrawal from Subic Bay Naval Station in the Philippines due to the failure of the Philippine Senate to ratify a 10-year extension of the U.S. access agreement on Subic Bay Naval Station. In addition, the conferees understand that plans are already underway for vacating Clark Air Base due to devastation caused by the eruption of Mount Pinatubo. Therefore, the conferees direct that the Department submit a report to the Committees on Appropriations by March 1, 1992 on the Department's relocation plans, timetable and cost for restationing of military assets.

Various Locations—Reuse Plans for Closed Bases.—The conferees intend that the Department of Defense and the military departments will extend the fullest cooperation to State and local governments and to local entities constituted to formulate and implement reuse plans for military installations scheduled for closure under recommendations made pursuant to Public Law 100–526 and Public Law 101–510.

Specifically, the conferees expect the Department of Defense and the military departments to provide, on a timely basis, information to Members of Congress, State and local governments, and local entities constituted to formulate and implement reuse plans for military bases scheduled for closure by minimizing requirements under the federal Freedom of Information Act related to the provision of information concerning base facilities, infrastructure and any other information which would facilitate conversion efforts.

Such decisions shall be made at the base level except in such cases where national security is involved.

The conferees intend that the Department of Defense and military departments shall cooperate fully, including the exercise of maximum beneficial flexibility, with civilian employees at bases scheduled for closure who seek assistance including the aid of their elected representatives, in connection with potential and/or actual loss of employment.

Further, the conferees expect the Department of Defense and the military departments to provide, on an expeditious basis, any other assistance requested by members of Congress, state and local governments, and local entities constituted to formulate and implement reuse plans, as may be necessary to facilitate the conversion of these military bases to civilian or joint civilian/military use and to ease the transition for civilian workers on the bases.

Contract Cleaning of Family Housing Quarters.—The conferees understand that documented savings are being realized through implementation of the Quarters Cleaning program overseas because service families are able to depart the overseas location in fewer days and thus reduce temporary lodging allowances. The conferees, however, feel that an average contract cost ceiling of $235 per household is appropriate and necessary. The conferees believe that this average limitation accounts for cost increases due to foreign currency fluctuations. The conferees continue to require the Department to document net savings in this program at overseas bases.

Overseas Leases.—The conferees agree to suspend the current requirement for submission of a separate report on each individual lease for family housing at high cost posts. In lieu of this requirement, the conferees direct the Department of Defense to provide a report to the Committees on Appropriations by January 15, 1992, which will establish a current ceiling on lease costs at each overseas location, and to provide an updated report every six months justifying any approved changes to the ceiling. The Department must provide the Committees with a 21-day notification for any lease which is to exceed a ceiling as stated in the current semiannual report. This revised reporting requirement will apply to all Department of Defense leases for family housing, effective January 1, 1992.

General and Flag Officer Quarters.—The conferees direct that no funds appropriated in this Act may be obligated for new construction which exceeds statutory limits on the net square footage of family housing units for general and flag officers.

Reprogramming Requests.—The conferees are concerned with the lack of timeliness of reprogramming requests received from the Office of the Comptroller of the Department of Defense. The conferees direct the Department to submit reprogrammings in a more expeditious manner to allow the Committees sufficient time to consider the requests. If the timeliness of the requests from the Department is not improved, the Committees will consider receiving the reprogramming requests directly from the Offices of the Service Secretaries.

MILITARY CONSTRUCTION, ARMY
(INCLUDING RESCISSION)

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 amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$880,820,000*

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 $880,820,000 for Military Construction, Army instead of $877,585,000 as proposed by the

House and $798,770,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Alaska—Fort Richardson:	
Upgrade physical fitness center	+$7,000,000
Alaska—Fort J.M. Wainwright:	
Battle simulation facility	+3,750,000
Reprogramming allowance	+3,300,000
Arizona—Fort Huachuca:	
Applied instruction facility	+9,500,000
NCO Academy	+2,600,000
Maryland—Aberdeen Proving Ground: Physical fitness center	+3,900,000
Maryland—Fort Ritchie:	
Fire station	+1,500,000
New Mexico—White Sands Missile Range: Aerial cable range	+9,600,000
New York—Fort Drum:	
Multi-purpose machine gun range	−150,000
Firing Range	−100,000
New York—U.S. Military Academy:	
Administration building modification	+1,500,000
Administration facility	+7,000,000
Virginia—Fort Lee:	
Finance/accounting office	−650,000
NCO training facility	−200,000
Virginia—Vint Hill Farms Station:	
Barracks with dining facility	+1,700,000
General purpose warehouse	+1,850,000
Washington—Fort Lewis:	
Land acquisition for Yakima firing center	−1,000,000
Kwajalein—General Reduction	−30,000,000
Unspecified Worldwide Locations—Planning and Design	−5,915,000
General Reduction—Prior year projects no longer required due to base closures	−11,950,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Kansas—Fort Riley: Water distribution monitor system	$0
Missouri—Fort Leonard Wood: Child development center	3,050,000
New York—Fort Drum: Multipurpose training range	2,100,000
Pennsylvania—Tobyhanna Army Depot: Hazardous material storage facility	1,900,000
Texas—Fort Bliss:	
Barracks modernization	11,600,000
Barracks modernization	10,600,000
Reprogramming allowance	5,000,000
Texas—Fort Hood: Barracks modernization	15,200,000
Virginia—Fort Belvoir: Information systems facility	0
Washington—Fort Lewis: Education Development center	7,900,000

North Carolina—Port of Wilmington.—The conferees have learned that the XVIII Airborne Corps encountered significant problems at the Port of Wilmington during their deployment for Operation Desert Shield/Storm. There have been reports of deficiencies in the on-loading capabilities for roll-on, roll-off ships as well as other inadequate facilities. The XVIII Airborne Corps is this country's number one contingency force and must have acceptable facilities in order to conduct their mission properly. The Department is directed to review the situation at the Port of Wilmington as it relates to the military needs there and report back to the Committees on Appropriations as to their findings no later than February 1, 1992. This report should include problems encountered, corrective actions required and a plan to implement the needed changes.

North Carolina—Sunny Point Ocean Terminal.—Sunny Point is the main depot used for shipping ammunition to the NATO theater and other locations across the Atlantic. It was critical to the success during Operation Desert Shield/Storm. Several projects are being considered to expand the turnaround areas and upgrade the facilities at that depot. The conferees understand that these projects are being considered for funding under the NATO Infrastructure account. The conferees strongly endorse the use of NATO Infrastructure funds for this work and encourage the Department to program this important work as soon as possible. To facilitate this early consideration, the conferees have provided $400,000 in Planning and Design funds to conduct the Environmental Impact Statement that is required at Sunny Point.

Texas—Fort Bliss: Deficiency Allowance.—The conferees have included a $5,000,000 reprogramming allowance which is to be applied to the ongoing construction of barracks at Fort Bliss, Texas. Funds appropriated in prior years to modernize the barracks were insufficient due to the poor condition of specific buildings. The Army's cost analysis of bids received for the modernization of similar buildings reveals that replacement with new construction will cost approximately the same as renovation. Therefore, the conferees support the design and construction of replacement barracks, rather than modernization, and have provided sufficient funds to complete the remaining scope of authorized projects with replacement facilities. Bid savings, if any, should be applied to follow-on barracks modernization or construction projects at Fort Bliss.

Virginia—Fort Belvoir: Information Systems Facility.—The conferees understand the need to construct an Information Systems facility at Fort Belvoir and therefore direct the Department to include this project in the fiscal year 1993 budget submission.

Washington—Yakima Training Center Expansion: Land Acquisition.—The conferees approved $18,000,000 for the proposed northern expansion of the Yakima Training Center in order to accommodate brigade level training. The conferees deny the proposed expansion east of the Columbia River including the river crossing site. The Army will continue to utilize the same permit process used in the past to address any river crossing training requirements keying on environmental protection.

The conferees direct the Army to enter into a Memorandum of Agreement with the Yakima Indian Nation prior to utilizing any of the expansion area for training purposes to ensure protection of Treaty rights including access as well as protection of lands, fish and wildlife, cultural, archeological and other tribal concerns. In addition, the Army is directed to establish a Cultural and Natural Resources Committee consisting of representatives from the Yakima Indian Nation, the Wanapum people, appropriate federal agencies, and appropriate State agencies and local elected officials from the affected area appointed by the Governor of the State of Washington, in order to assist in the proper management of all training center lands. This Committee will provide a process to identify land management issues and appropriate mitigation, reclamation and resolution steps. The conferees direct the Army to program sufficient operations and maintenance funds to adequately fund the work of the Committee and the projects identified by the Committee. The Army shall comply with the consensus recommendations of this Committee unless the Army makes a finding, in writing, that such recommendations are inconsistent with the purposes of this section. The Army jointly with the Committee is further directed to consult with and solicit the views of citizen groups in the surrounding area. Prior to utilization of the area for training activities, the Army shall develop a comprehensive, integrated training strategy that addresses the key factors affecting training and land use as well as the recommendations of the Committee, to be submitted to the Appropriations Committees of the Senate and the House of Representatives, and shall base its use of this expansion land on the completed strategy. Finally, the conferees direct the Army to make long term plans for transfer of Yakima Training Center lands to the Department of the Interior for the primary use of the Yakima Indian Nation and the Wanapum people at that point when lands are no longer required by the Army for brigade level training or comparable training activities.

Chemical Demilitarization, Various Locations.—The conferees note that the chemical demilitarization project at Tooele Army Depot has experienced significant overruns mainly because construction was initiated prior to operational verification testing of Phase I through Phase IV at Johnston Island. To avoid or minimize costly changes in the Chemical Demilitarization project at Anniston Army Depot, Alabama, the conferees agree that, of the funds provided in the amount of $96,200,000, none of the funds shall be obligated, except for the supporting facilities such as roads and utilities, until operational verification testing of Phase IV at Johnston Island is completed and design has been verified. In addition, no funds for demilitarization buildings for Anniston shall be obligated until necessary air quality permits have been obtained or until an agreement is reached with the appropriate regulatory agency.

General Reduction, Military Construction, Army.—The conferees agree to apply a general reduction of $11,950,000 for Military Construction, Army to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

Amendment No. 2

Earmarks $113,000,000 for study, planning, design, architect and engineer services instead of $118,915,000 as proposed by the House and $102,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

Amendment No. 3

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 stricken and inserted by said amendment, insert: *$883,859,000*

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 $883,859,000 for Military Construction, Navy instead of $848,429,000 as proposed by the House and $878,211,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House.

Alaska-Amchitka Island Fleet Surveillance Spt Cmd: Supply Pier	+$7,200,000
California—Bridgeport Mtn Warfare Training Center	+11,300,000
Florida—Orlando Naval Training Center:	
Barracks	+7,980,000
Child development centers	+4,000,000
Cold storage warehouse	+2,150,000
Mess hall	+7,300,000
Maryland—St. Inigoes Naval Electronic Sys Engr Act:	
ACLS Integration and test facility	+1,750,000
Electronics systems integration laboratory	+5,800,000
Mississippi—Gulfport: Seabee warehouse	+7,000,000
Nevada—Fallon Naval Air Station: Bachelor enlisted quarters	+5,700,000
New Jersey—Earle Naval Weapons Station: Trestles Replacement (Phase II)	+11,400,000
West Virginia—Green Bank: Alter operations center	+5,400,000
Unspecified Worldwide Locations; Planning and design	−3,700,000
General Reduction, Prior Year Projects No Longer Required Due to Base Closures	−37,850,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Monterey Naval Postgraduate School: Mechanical engineering instruction building	$12,000,000
California—San Diego Naval Supply Center: General warehouse addition	8,600,000
California—Vallejo Mare Island Naval Shipyard: Computer operations center	9,000,000
Indiana—Crane Naval Weapons Support Center: Electronics countermeasures systems center	10,000,000
Maryland—Annapolis David Taylor NavShpRsch/DevCtr: Composite materials laboratory	0
Mississippi—Meridian NAS:	
Fire station expansion	418,000
Fire training facility	1,200,000
Rhode Island—Newport Naval Education and Training Center:	
Air conditioning system	710,000
Fuel tanks	2,000,000
Child care/passive recreation center	500,000
Puerto Rico—Roosevelt Roads Naval Station: Child development center	2,850,000
Overseas Classified—Satellite terminal	8,770,000

California—Camp Pendleton: Desalinization Plant.—Within funds available for unspecified minor construction, the Navy is directed to allot $500,000 for development of a containerized high efficiency, reverse osmosis desalinization plant at Camp Pendleton, California. This plant will be designed to produce up to 150,000 gallons per day of desalinated water.

Maryland—Annapolis David Taylor Naval Research and Development Center: Composite Materials Laboratory.—The conferees have denied funding of $3,450,000 as requested for this project at Annapolis Research Development Center since the laboratory is slated for closure. The conferees understand that the Navy desires that such funds be transferred to the Bethesda R&D Center. The conferees oppose such a transfer since such funding should be allocated under the Base Closure II account.

Maryland—Patuxent River Naval Air Station: Planning and Design.—The conferees agree with Senate report language that directs the use of planning and design funds to begin design of an anechoic chamber at Patuxent River Naval Air Station and to report to the Committees the proposed schedule for construction.

New Jersey—Naval Weapons Station: Trestles Replacement (Phase II).—The conferees agree to provide funding in the amount of $11,400,000 instead of $36,500,000 as requested in the budget. The conferees understand that the balance of funding to complete Phase II and Phase III will be provided by the NATO Infrastructure fund. The conferees commend the NATO allies in agreeing to participate in the cost of this project.

General Reduction, Military Construction, Navy.—The conferees agree to apply a general reduction of $37,850,000 for Military Construction, Navy to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

Amendment No. 4

Earmarks $76,000,000 for study, planning, design, architect and engineer services instead of $79,700,000 as proposed by the House and $67,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

Amendment No. 5

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 stricken and inserted by said amendment, insert: *1,005,954,000, Provided, That the certification requirements specified in Section 210 of title 23 of the United States Code, shall not apply in the case of the renovation of the Suitland Parkway as a defense access road for Andrews Air Force Base, Maryland*

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 $1,005,954,000 for Military Construction, Air Force, instead of $1,129,420,000 as proposed by the House and $967,570,000 as proposed by the Senate and includes language waiving certification requirements for construction of an access road. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Alaska-Eielson AFB:	
Range support facility	+$4,500,000
Transient enlisted personnel quarters	+12,800,000
California—Vandenberg AFB: Land acquisition (Phase II)	−60,000,000
Georgia—Robins AFB:	
Add/alter aircraft maintenance unit facility	−800,000
Add/alter squadron operations facility	−2,000,000
Flight simulator facility	+2,200,000
Upgrade utilities/comm system	+2,650,000
Base supply and equipment warehouse	−3,100,000
Mission simulator and software support facility	+900,000
Alter tactical training squadron facility	+50,000
Kansas—McConnell AFB:	
Consolidated education center	−3,300,000
Temporary lodging facility	+2,700,000
Tornado damaged facilities	+28,150,000
Louisiana—Barksdale AFB:	
Engine test pad	+2,000,000
Electrical system upgrade	+1,200,000
Water system modification	+1,700,000
Missouri—Whiteman AFB: General reduction	−10,000,000
Nebraska—Offutt AFB: Worldwide airborne command post facility	−12,500,000
North Dakota—Grand Forks AFB: Add/alter physical fitness center	+4,400,000
Utah—Hill AFB: Missile maintenance shop	+2,450,000
Various Locations—Canada: Forward op locations/dispersed op bases	−20,700,000
Unspecified Worldwide Locations: Planning and design	−4,400,000
General Reduction, prior year projects no longer required due to base closures	−72,366,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Travis AFB:	
Alter dormitories	$5,500,000
Add to child development center	3,350,000
Alter/upgrade consolidated support center	9,000,000

Colorado—U.S. Air Force Academy:	
Consolidated educ and trng fac (Phase II)	21,000,000
Upgrade dormitories	3,000,000
Delaware—Dover AFB:	
Child care facility	2,600,000
Maryland—Andrews AFB:	
Replace roof, communications center	2,700,000
Missouri—Whiteman AFB:	
B-2 Add/alter fire station	5,100,000
B-2 Add/alter utility systems	6,700,000
B-2 Add/alter physical fitness center	3,800,000
B-2 Area security improvements	7,850,000
B-2 Conventional munitions support facility	1,750,000
B-2 Defense access roads	5,050,000
B-2 Engine maintenance shop	3,400,000
B-2 flight simulator facility	4,050,000
B-2 Hazardous material storage	1,700,000
B-2 Impact Aid	1,000,000
B-2 Munitions storage igloos	4,000,000
B-2 Survival equipment facility	1,000,000
B-2 Weapons receiving and processing facility	3,100,000
B-2 Weapons storage area supply warehouse	1,000,000
New Jersey—McGuire AFB:	
Alter dormitories	5,200,000
Child development center	3,800,000
New York—Plattsburgh AFB:	
Jet fuel storage	880,000
Electrical distribution system	7,200,000
Washington—Fairchild AFB: Child care center	4,550,000
Greenland-Thule AB: Upgrade airfield pavements (Phase II)	12,700,000
Guam—Andersen AFB:	
Add/alter child development center	2,600,000
Portugal—Lajes Field:	
Control tower and radar approach control	5,000,000
United Kingdom—RAF Lakenheath:	
Dedicated aircraft support sys (DASS) facility	0
F-15E Fuel facility	3,600,000

Arizona—Libby Army Air Field: Runway Repair.—The conferees direct the Air Force to assume the responsibility for reconstruction of the runway at Libby Army Air Field which is jointly used by various Services, reserve and national guard units. In addition, the conferees direct that construction funds for runway construction be included in the fiscal year 1993 amended budget.

Colorado—U.S. Air Force Academy: Consolidated Education and Training Facility (Phase II).—The conferees agree to provide funding in the amount of $21,000,000 for Phase II of the Consolidated Education and Training Facility. This amount together with the $15,000,000 provided for Phase I provides for full funding of the entire project.

Kansas—McConnell AFB: Replacement and Repair of Tornado Damaged Facilities.—The conferees agree to provide a total of $43,150,000 for replacement and repair of facilities destroyed or damaged by a tornado at McConnell Air Force Base on April 26, 1991. The conferees agree that the reduction is for morale, welfare and recreation projects and the conferees understand that such projects will be funded with non-appropriated funds. The reduction also reflects subsequent action to fund $4,080,000 of the requested amount using existing Operation and Maintenance funds. The conferees understand the urgency for repair and replacement of such facilities and strongly urge the Department to proceed without delay. The recommended funding for each project is as follows:

[In thousands of dollars]

Project title	President's request	Conference recommendation
Military Construction:		
Planning and Design	3,200	2,700
Repair arts and crafts center and auto body shop	910	0
Community Center	16,300	10,200
Leasing interim health care fac.	3,150	[1] 0
Comprehensive health care center	16,750	16,750
Alter facility for education center and furnishings management	1,200	1,200
Repair swimming pool and replace bath house and picnic pavilion	330	0
Repair electrical distribution system infrastructure	930	[1] 0
Privately owned vehicle car wash	210	0
Subtotal, Military Construction	42,980	30,850
Family Housing:		
Replace destroyed military family housing (MFH) units	10,000	10,000
Replace damaged MFH units	1,800	1,800
MFH planning and design	500	500
Subtotal, family housing	12,300	12,300
Total	55,280	43,150

[1] Funded under operation and maintenance.

Maryland—Andrews AFB: Defense Access Road—The conferees have provided $6,000,000 for renovation of Suitland Parkway as a defense access road for Andrews Air Force Base. The conference agreement, which waives the certification requirement under Section 210 of title 23, United States Code, permits the $6,000,000 to be utilized for renovation of the access road.

Missouri—Whiteman AFB: B-2 Projects—The conferees agree to reduce the fiscal year 1992 funding level for B-2 related projects at Whiteman AFB with a general reduction of $20,000,000. This would provide $29,500,000 for continuation of construction instead of $49,500,000 as requested. This amount when combined with fiscal years 1990 and 1991 funds that have been deferred by the Department's Moratorium/Prohibition, provides for a total of about $150 million for facility construction during fiscal year 1992. The conferees believe that such amounts are sufficient to proceed with orderly construction at Whiteman AFB and are commensurate with the schedule for delivery of planes and the basing schedule. The conferees note that the master plan for basing at Whiteman is designed to accommodate about 30 planes while procurement funding for 30 planes has not yet been provided. For this reason, the conferees direct the Air Force to carefully review its program mix recognizing the number of planes for which procurement funds have been appropriated and to report to the Committees on Appropriations by February 1, 1992 on how the Air Force is scheduling projects consistent with the number of funded operational planes.

Canada—Forward Operating Locations and Dispersed Operating Bases—The conferees have denied funding of $20,000,000 as the United States' share of costs for construction of Forward Operating Locations and Dispersed Operating Bases in Canada. To date, funds in the amount of $36,400,000 have been appropriated as the United States' share. The conferees have taken this action in view of the possible reduced threat and direct the Department to review its 1985 bilateral agreement with Canada in terms of the need to construct seven bases.

Germany—Rhein Main Air Base Child Care Center—The conferees direct the Air Force to provide $430,000 from funds available for unspecified minor construction, Air Force for the alteration of an unused facility at Rhein Main Air base, Germany to convert it for use as an addition to the current child care center consistent with the plans for future use of the base. The conferees are concerned with the backlog of children on the waiting list for child care and wish to provide additional space to help alleviate this problem.

Portugal—Lajes Field: Control Tower and Radar Approach Control—The conferees agree to provide funding of $5,000,000 for Lajes Field Control Tower and Radar Approach Control. However, no funds for this project can be obligated until the Department submits a precautionary pre-financing statement to NATO.

General Reduction, Military Construction, Air Force—The conferees agree to apply a general reduction of $72,366,000 for Military Construction, Air Force to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

Amendment No. 6

Earmarks $69,900,000 for study, planning, design, architect and engineer services instead of $74,300,000 as proposed by the House and $65,200,000 as proposed by the Senate.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 7

Appropriates $724,740,000 for Military Construction, Defense Agencies, instead of $745,990,000 as proposed by the House and $654,330,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

Florida—Homestead AFB: Hospital (Phase I)	−$20,000,000
Georgia—Fort Stewart Renovate/expand Diamond elementary school	+360,000
Georgia—Fort Benning: Parachute rigging facility	+3,900,000
Hawaii—Tripler Army Hospital: Medical education center	+3,500,000
North Carolina—Fort Bragg: Special operations battalion hq	+6,000,000
South Carolina—Beaufort Marine Corps Air Station: Elementary school addition	+29,000
Virginia—Pentagon classified waste incinerator	−4,700,000
Korea Various: Troop medical clinic K-16 airfield	−1,450,000
Overseas Classified: Rapid deployment medical facility warehouse	−10,400,000
Unspecified Worldwide Locations: Contingency construction	+19,000,000

Unspecified Worldwide Locations—Planning and Design:	
Special operations command	+2,111,000
Washington headquarters services	−10,000,000
Strategic defense initiative organization	−3,000,000
General Reduction, Prior year projects no longer required due to base closures	−11,600,000
Unspecified Minor Construction—Special operations command	+5,000,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

California—Stockton Naval Communications Station: Fleet hospital prepositioning facility	$22,000,000
Colorado—Fitzsimmons Army Hospital: Life safety upgrade	3,000,000
Florida—Eglin Aux Field 9: Enlisted dormitory	5,500,000
Maryland—Fort Meade: Perimeter control	0
Maryland—Bethesda USUHS: Alter existing animal facility	0
Rhode Island—Newport Naval Education and Training Center: Ambulatory care center	14,000,000
Virginia—Fort Lee: Hospital modernization	11,800,000
Korea Various—Troop Medical Clinic—Camp Essayons	1,050,000
Unspecified Worldwide Locations—Energy conservation improvement program	36,000,000
Planning and Design:	
Defense medical support activity	43,700,000
Defense level activities	21,800,000
Unspecified Minor Construction:	
DoD Dependent School	3,000,000
Defense Medical Support Activity	2,500,000
Defense Level Activities	2,000,000

Alaska—Elmendorf AFB: Replacement Hospital.—The conferees agree that there is an urgent need to construct a replacement hospital at Elmendorf AFB. Therefore, the Department is directed to include in its fiscal year 1993 budget submission initial construction funding for this project.

Colorado—Fitzsimmons Army Medical Center.—The conferees understand that the Army has advertised for bids to design the replacement for the Fitzsimmons Army Medical Center. Bids have been received and the contract action has been suspended for over a year. The Army has indicated that Fitzsimmons is an important component in the Graduate Medical Education program and thus the conferees direct the Department to move forward with this design as soon as possible.

Florida—Homestead AFB: Hospital (Phase I).—The conferees agree to provide $10,000,000 as the initial phase of a $60,000,000 replacement hospital at Homestead Air Force Base. With design scheduled to be completed by March 1992, the conferees agree that these funds are sufficient to provide for orderly construction of the project.

Nevada—Nellis AFB: Composite Medical Replacement.—The conferees agree with the Senate report language that directs the Secretary of Defense to continue with construction of the composite medical facility at Nellis AFB, and that no action be taken to downsize the hospital.

North Carolina—Forth Bragg: Medical Center.—The conferees encourage the Department to proceed with its plans to replace the Womack Army Community Hospital at Fort Bragg, North Carolina. Womack serves the second largest Army catchment area beneficiary population, both active and CHAMPUS eligibles, underlining the need to proceed expeditiously. The conferees understand that the replacement facility was sized to recapture CHAMPUS eligible beneficiary workload. The Department has stated that sizing decisions are based on populations to be served, and that the Graduate Medical Education (GME) programs expected there are critically short and will be needed even with the reduced force levels. Therefore, further delay to the plans to replace Womack with a new medical center at Fort Bragg is unwarranted.

The conferees agree to provide $15,000,000 as requested under the Base Realignment and Closure Account, Part I for site improvement of the hospital replacement. The conferees strongly urge the Department to expedite this important facility.

Contingency Construction.—The conferees agree to fund $19,000,000 for contingency construction provided $5,000,000 is utilized for the Joint Special Operations Command. The conferees further direct that no funds be obligated until the Department certifies that $5,000,000 has been allocated to the Joint Special Operations Command.

Energy Conservation.—The conferees agree to provide funding of $36,000,000 for energy conservation provided that $6,000,000 is allotted for the demonstration of photovoltaic energy systems, provided that the Department works in consultation with the Department of Energy-backed Photovoltaic Utility Scale Application (PVUSA) project, and provided that $300,000 of the funds for energy conservation shall be used for the purposes of conducting detailed wind energy resource characterization studies.

Overseas Classified: Rapid Deployment Medical Facility Warehouse.—The conferees have denied the request for $10,400,000 to construct a rapid deployment medical facility warehouse at an overseas classified location. The conferees believe that this should be a burdensharing initiative with the total cost borne by the allied countries.

General Reduction, Defense Agencies.—The conferees agree to apply a general reduction of $11,600,000 for Military Construction, Defense Agencies to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year projects not related to base closure.

Amendment No. 8

Earmarks $74,600,000 for study, planning, design, architect and engineer services instead of $85,489,000 as proposed by the House and $56,340,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Amendment No. 9

Appropriates $225,000,000 for North Atlantic Treaty Organization Infrastructure instead of $158,800,000 as proposed by the House and $254,400,000 as proposed by the Senate.

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 amendment of the Senate which prohibits the use of funds appropriated or otherwise available in this or any other Act to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy.

The continued prohibition on the use of U.S. NATO Infrastructure contributions toward the construction of Crotone is in no way intended to undermine the Infrastructure program.

The conferees continue to support U.S. participation in this program. However, there is concern over the construction of a full service base at a cost to the U.S. taxpayer of at least $188,500,000. At the current exchange rate, $46,000,000 in U.S. funds have already been obligated for Crotone. In addition, the conferees understand that the contract for Phase I of construction has experienced delays. The conferees believe that a minimum cost bare base would fulfill the U.S. commitment to NATO and will revisit this issue in the next fiscal year.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Amendment No. 11

Appropriates $231,117,000 for Military Construction, Army National Guard, instead of $161,281,000 as proposed by the House and $233,274,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House:

California—Stockton:	
Combined support maintenance shop rehabilitation	+$1,613,000
California—Various Locations: Conversion projects	+2,172,000
Florida—Camp Blanding:	
Law range	+550,000
Aviation fuel facility	+275,000
MAC Range	+954,000
Florida—Wauchula: Armory	+1,077,000
Idaho—Gowen Field, Boise:	
Armory	+5,995,000
OMS Modifications	+362,000
Mississippi—Camp McCain: Convert record fire range to modified record fire range	+546,000
Mississippi—Marks: Armory alteration	+200,000
Mississippi—Senatobia: Organizational maintenance shop	+723,000
Mississippi—Tupelo: OMS	+992,000
Mississippi—Camp Shelby:	
Adal Maintenance facility	+600,000
Pave training roads	+1,200,000
Mississippi—West Point: Organizational maintenance shop	+1,270,000
Mississippi—Various Locations: Mobile conduct of fire trainer sites	+306,000
Montana—Fort Harrison: Armory	+3,400,000
Nebraska—Kearney:	
OMS	+690,000
Armory	+2,215,000
Nebraska—Camp Ashland: Barracks	+6,613,000
Nebraska—Lincoln: USP&FO Warehouse	+2,289,000
Nevada—Washoe County: OMS	+1,050,000

Nevada—Yerrington: OMS	+770,000
New Mexico—Santa Fe:	
Military education academy	+3,764,000
Ammunition bunkers	+340,000
North Dakota—Grand Forks:	
Armory	+6,200,000
OMS	+3,800,000
Oregon—Bend: Armory/Reserve Center	+2,711,000
South Carolina—Manning: Armory	+1,500,000
South Carolina—Leesburg:	
Maintenance shop	+2,200,000
Sewer system	+1,200,000
Tennessee—Covington: Armory	−363,000
Tennessee—Fayetteville: Armory	+892,000
Tennessee—Livingston: Armory	+1,161,000
Utah—Utah County:	
Armory	+2,860,000
OMS	+996,000
West Virginia—Huntington: Guard/Reserve center (joint with Army Reserve)	+2,983,000
Wisconsin—Sussex:	
Armory	−1,574,000
Operation maintenance shop	−1,039,000
Motor vehicle storage building	−317,000
Unspecified worldwide locations:	
Planning and design	+4,260,000
Unspecified minor construction	+2,400,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Alabama—Dannelly Field, Montgomery:	
Aviation support facility	$7,528,000
Armory	2,613,000
Arizona—Marana: Aviation maintenance facility	6,670,000
California—Various Locations: Armory maintenance program	600,000
Colorado—Longmont: OMS	3,218,000
Iowa—Camp Dodge:	
Access road (Phase II)	5,450,000
Physical training/recreation facility	960,000
Maryland—Cheltenham: Armory	3,300,000
Minnesota—Camp Ripley: Troop medical training fac	1,100,000
Minnesota—Montevideo: Armory	1,891,000
Minnesota—Rosemount: Armory	5,120,000
New Mexico—Las Cruces Municipal Airport: Army Aviation flight activity	1,014,000
New York—Syracuse: Armory	6,440,000
North Carolina—Concord: OMS	887,000
North Carolina—Raleigh: Property and fiscal office	1,824,000
Ohio—McConnellsville: Armory/training site facilities	4,669,000
Ohio—Toledo: Armory	3,183,000
Oregon—Camp Rilea:	
Battalion headquarters building	665,000
Training site BOQ/BEQ	997,000
Oregon—Forest Grove: Armory	2,591,000
Pennsylvania—Everett: Armory	1,750,000
Pennsylvania—Fort Indiantown Gap: Maintenance shop	2,790,000
Pennsylvania—Fort Mifflin, Philadelphia: OMS	370,000
Rhode Island—Camp Fogarty: Armory	5,151,000
Rhode Island—Camp Varnum: Sewer and water system	578,000
Tennessee—Union City: Armory	1,659,000
Texas—Camp Swift: Training site facilities	5,138,000
Texas—Kingsville: Armory	399,000
Texas—Longview: Armory expansion	399,000
Texas—New Boston: Armory	1,994,000
Texas—Redbird: OMS	702,000
Texas—Victoria: Add/alter armory	399,000
Texas—Weatherford: Armory	399,000
Wisconsin—Fort McCoy:	
Mobilization and training equipment site	8,941,000
Motor vehicle storage building	493,000
Unspecified Worldwide Locations: Deficiency allowance	0

Mississippi—Camp McCain: Natural Gas Distribution System.—It was the intention of the Committees when approving the reprogramming of the fiscal year 1989 project for Natural Gas Distribution System at Camp McCain, Mississippi that it include the required piping both on and off of the camp property. Therefore, the Secretary is directed to fund all the necessary piping to bring the gas on to and throughout the camp.

Mississippi—Senatobia: Organizational Maintenance Shop.—The conference agreement provides funding of $723,000 for construction of an organizational maintenance shop at Senatobia, Mississippi, for the 1st Squadron of the 108th Armored cavalry. This regimental Armored cavalry squadron, as well as unit designations preceding it, has had a distinguished and illustrious history of superior military service, dating back to 1815. In recognition of the squadron's long-standing presence in Senatobia, the conferees direct that full operations shall be sustained at not less than the current authorized strength.

Mississippi—Tupelo: Organizational Maintenance Shop.—The conference agreement provides funding of $992,000 for construction of an organizational maintenance shop at Tupelo, Mississippi. However, the conferees direct that these funds shall not be obligated until the National Guard Bureau certifies to the Committees on Appropriations that construction of this project does not result in any realignment of National Guard units within the State of Mississippi.

Pennsylvania—Indiana: Armory.—The conferees direct the Army National Guard to initiate design of a new 100-175 person armory in Indiana, Pennsylvania. The preliminary federal cost of this project is estimated to be about $1,700,000. The conferees strongly urge design to proceed as soon as practical and direct that construction funds be included in the fiscal year 1993 budget.

Virginia—Richlands: Armory.—The conferees direct the Army National Guard to make available, from planning and design funds, $15,000 for design of an armory in Richlands, Virginia.

Wisconsin—Sussex.—The conferees deferred funding for three projects at Sussex, Wisconsin due to the uncertainty of authorization. The conferees believe that these projects (armory, $1,574,000; operation and maintenance ship, $1,039,000; motor vehicle storage building, $317,000) are valid requirements. If the projects are authorized for fiscal year 1992, the Committees on Appropriations of the House and Senate would consider a reprogramming for these projects from the Army National Guard.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

Amendment No. 12

Appropriates $217,566,000 for Military Construction, Air National Guard, instead of $172,690,000 as proposed by the House and $231,506,000 as proposed by the Senate. The conferees agree to the following additions and deletion to the amounts and line items as proposed by the House:

Alaska—Eielson AFB: Squadron operations	+$4,600,000
Alaska—Kulis ANGB: Fire station	+400,000
Arizona—Tucson IAP:	
Maintenance hangar	+2,300,000
Upgrade runway lights	+1,200,000
Idaho—Gowen Field, Boise: Power check pad	+800,000
Kansas—McConnell AFB, Wichita:	
Add to corrosion control facility	+200,000
Relocation, phase II	+5,000,000
Massachusetts—Barnes MAP, Westfield:	
Engine check facility	+1,250,000
Aircraft barrier	+2,050,000
Michigan—WK Kellogg Regional Airport, Battle Creek: Engine maintenance shop	+2,250,000
Nevada—Cannon IAP, Reno: Power Check Pad	+700,000
New Hampshire—Pease ANGB, Newington: ADAL squadron operations	+1,450,000
North Dakota—Hector field, Fargo: Replace fuel tanks	+1,500,000
Oklahoma—Tulsa IAP:	
Fuel cell/corrosion facility	+2,750,000
Avionics/ECM shop	+1,050,000
Tennessee—Memphis IAP:	
Power Check Pad	+800,000
Aerial port training facility	+1,650,000
Fire station	+1,300,000
Texas—Camp Mabry: Headquarters building	+270,000
Vermont—Burlington IAP: Civil engineering shop	+1,850,000
West Virginia—E WV Regional Airport (Martinsburg):	
Vehicle maintenance complex	+1,700,000
Small arms range	+750,000
Fire station	+1,100,000
West Virginia—Yeager Airport (Charleston): Security police operations	+650,000
Wyoming—Cheyenne MAP:	
Avionics maintenance shop	+2,200,000
Corrosion control facility	+3,500,000
Replace fuel storage tanks	+700,000

Unspecified Worldwide Locations	
Planning and design	+2,800,000
Unspecified minor construction	+1,200,000
Reprogramming allowance	+306,000
General reduction, prior year projects no longer required due to base closures	−3,400,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Alabama—Dannelly Field: Jet fuel storage complex	$3,500,000
Colorado—Buckley ANGB:	
Alter aircraft maintenance hanger	5,000,000
Vehicle maintenance complex	2,200,000
Connecticut—Bradley Field, Windsor: Upgrade facilities	8,980,000
Illinois—Greater Peoria Airport: Composite operational training facility	4,800,000
Ohio—Rickenbacher ANGB:	
Add/alter maintenance hangar and shop	0
Add/alter squadron operations facility	0
Alter fuel system maintenance corrosion control dock	0
Oklahoma—Will Rogers World Airport, Oklahoma City: Apron addition	4,350,000
Pennsylvania—Greater Pittsburgh IAP:	
Add/alter engine shop	660,000
Add/alter squadron operations facility	1,950,000
Wisconsin—Truax Field, Madison	
Power check paid with sound suppressor	1,000,000
Avionics and ECM POD shop	1,500,000
Aircraft arresting system	1,200,000
Unspecified Worldwide Locations: Deficiency allowance	0

General Reduction, Air National Guard.—The conferees agree to apply a general reduction of $3,400,000 for Military Construction, Air National Guard to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded projects not related to base closure.

MILITARY CONSTRUCTION, ARMY RESERVE

Amendment No. 13

Appropriates $110,389,000 for Military Construction, Army Reserve, instead of $94,860,000 as proposed by the House and $114,723,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items as proposed by the House:

Massachusetts-Tauton: USAR Center	+$3,526,000
Texas-Conroe: Add/alter USARC/aviation support facility/OMS	+1,504,000
West Virginia-Huntington: Guard/Reserve Center (joint with Army NG)	+6,617,000
Unsepecified Worldwide Locations:	
Planning and design	+1,000,000
Unspecified minor construction	+1,500,000
Reprogramming allowance	+1,382,000

The conferees agree to fund all other items in conference at the level proposed by the House, as shown below:

Ohio-Toledo: Army Reserve center/maintenance facility (phase II)	$2,749,000
Pennsylvania-Johnstown: Joint aviation facility	30,224,000
Tennessee-Jackson: Joint training facility	1,537,000
Wisconsin-Sturtevant: Reserve center roads, holding pond	750,000
Unspecified Worldwide Locations: Deficiency allowance	0

Puerto Rico—Puerto Nuevo: Add/alter USAR Center/OMS.—The House and Senate have both recommended funding in the amount of $9,699,000 as requested for this project. However, the conferees understand that the project may be underfunded because of soil conditions. Therefore, the Department is directed to submit a reprogramming request utilizing prior year savings for the underfunded portion of this project.

MILITARY CONSTRUCTION, NAVAL RESERVE

Amendment No. 14

Appropriates $59,900,000 for Military Construction, Naval Reserve, instead of $20,900,000 as proposed by the House and $60,400,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items proposed by the House:

Tennessee—NAS Memphis: Maintenance hangar	+$10,900,000
West Virginia—Martinsburg: C-130 support facilities	+25,100,000
Unspecified Worldwide Locations:	
Planning and design	+2,500,000
Unspecified minor construction	+500,000

MILITARY CONSTRUCTION, AIR FORCE RESERVE

Amendment No. 15

Report 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 stricken and inserted by said amendment, insert: *$9,700,000*

The managers on the part of the Senate will move to concur in the amendment of the House to an amendment of the Senate.

The conference agreement appropriates $9,700,000 for Military Construction, Air Forces Reserve, instead of $20,800,000 as proposed by the House and $22,800,000 as proposed by the Senate. The conferees agree to the following deletion to the amounts and line items as proposed by the House:

Unspecified Worldwide Locations: General reduction, prior year projects no longer required due to base closures	−$11,100,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Unspecified Worldwide Locations: Deficiency allowance	$0

General Reduction, Military Construction, Air Force Reserve.—The conferees agree to apply a general reduction of $11,100,000 for Military Construction, Air Force Reserve to reflect prior year funded projects that are no longer required because of Base Closure II action. The conferees strongly emphasize that the general reduction is related to prior year projects impacted by base closure and shall not be applied against fiscal year 1992 or other prior year funded project not related to base closure.

FAMILY HOUSING, ARMY

Amendment No. 16

Appropriates $167,220,000 for Construction, Family Housing, Army as proposed by the House instead of $141,950,000 as proposed by the Senate.

The conferees agree to fund both items in conference at the level proposed by the House, as shown below:

Hawaii-Various Oahu: 220 units	$25,000,000
Virginia-Fort Lee: 1 unit	270,000

Hawaii—Family Housing.—The conferees agree with the Senate report that expresses the grave situation facing military families stationed on the island of Oahu, Hawaii. The conferees direct the Department of Defense to submit a multi-year housing development plan for Oahu with its amended fiscal year 1993 budget submission. The conferees further direct that the amended fiscal year 1993 budget include a significant increment of construction to substantially reduce the large deficit.

Amendment No. 17

Appropriates $1,390,025,000 for Operation and Maintenance, Family Housing, Army, instead of $1,412,025,000 as proposed by the House and $1,367,025,000 as proposed by the Senate. The conferees agree to the following reductions to the amounts and line items as proposed by the House:

Furnishings Account	−$3,000,000
Management Account	−2,000,000
Utilities Account	−2,000,000
Maintenance of Real Property	−15,000,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Services Account	$69,092,000

Amendment No. 18

Appropriates a total of $1,557,245,000 for Family Housing, Army instead of $1,579,245,000 as proposed by the House and $1,508,975,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 16 and 17.

FAMILY HOUSING, NAVY

Amendment No. 19

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 stricken and inserted by said amendment, insert: *$198,440,000*

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 $198,440,000 for Construction, Family Housing, Navy and Marine Corps, instead of $182,440,000 as proposed by the House and $166,200,000 as proposed by the Senate. The conferees agree to the following addition to

the amounts and line items as proposed by the House:

Illinois—NAS Glenview: 200 units	+$16,000,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Virginia—Dahlgren NSWC: 150 units	$13,240,000

Amendment No. 20

Appropriates $703,700,000 for Operation and maintenance, Family Housing, Navy and Marine Corps, instead of $725,700,000 as proposed by the House and $694,700,000 as proposed by the Senate. The conferees agree to the following reductions to the amounts and line items as proposed by the House:

Management Account	−$4,000,000
Utilities Account	−3,000,000
Maintenance of Real Property	−15,000,000

Amendment No. 21

Appropriates a total of $902,140,000 for Family Housing, Navy and Marine Corps, instead of $908,140,000 as proposed by the House and $860,900,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 19 and 20.

FAMILY HOUSING, AIR FORCE

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 amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$172,083,000*

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 $172,083,000 for Construction, Family Housing, Air Force, instead of $161,583,000 as proposed by the House and $163,883,000 as proposed by the Senate. The conferees agree to the following additions to the amounts and line items as proposed by the House:

Kansas-McConnell AFB: Tornado Damage Replacement	+$10,000,000
Planning	+500,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Construction improvements	$141,246,000

Amendment No. 23

Appropriates $903,200,000 for Operation and maintenance, Family Housing, Air Force, instead of $924,400,000 as proposed by the House and $827,400,000 as proposed by the Senate. The conferees agree to the following reductions to the amounts and line items as proposed by the House:

Management Account	=$1,000,000
Miscellaneous Account	−1,000,000
Utilities Account	−3,000,000
Leasing	−3,000,000
Maintenance of Real Property	−13,200,000

The conferees agree to fund the other item in conference at the level proposed by the House, as shown below:

Services Account	$26,201,000

Amendment No. 24

Appropriates a total of $1,075,283,000 for Family Housing, Air Force, instead of $1,085,983,000 as proposed by the House and $991,283,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 22 and 23.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

Amendment No. 25

Appropriates $658,600,000 for the Base Realignment and Closure Account, Part I as proposed by the House instead of $674,600,000 as proposed by the Senate.

California—Presidio of San Francisco.—The conferees recognize that the closing of the Presidio and its subsequent transfer to the Department of the Interior for inclusion in the Golden Gate National Recreation Area, administered by the National Park Service is unique among bases slated for closure. The conferees also note that the Defense Authorization bill directs the DoD to maintain adequate levels of investment in this facility in order to minimize costs that would be incurred by the Department of the Interior after the base is closed, and its functions transferred. The conferees concur in this direction and expect to look more carefully during next year's hearings on this subject to determine what Presidio infrastructure improvements and maintenance costs are appropriately the responsibility of DoD.

Amendment No. 26

Establishes a floor of $220,000,000 for environmental restoration under the Base Realignment and Closure Account, Part I instead of $200,800,000 as proposed by the House and $241,800,000 as proposed by the Senate.

BASE REALIGNMENT AND CLOSURE, PART II

Amendment No. 27

Appropriates $100,000,000 for the Base Realignment and Closure Account, Part II as proposed by the House instead of $297,000,000 as proposed by the Senate.

The conferees agree to provide funding of $100,000,000 for Base Closure II as requested. However, to date, the Department has not indicated how these funds will be distributed except that a portion of the funds will be used for site surveys and planning and design. Therefore, the conferees agree that no funds be obligated except for site surveys, planning and design and environmental cleanup until the Committees on Appropriations have been provided with a 5 year program for executing the Base Closure II plan with justifications (Form 1391) for the fiscal year 1992 funds.

The conferees are concerned with the dramatic economic impact that base closures and realignments will have on many impacted communities. Therefore, the Department will need to program and budget, for next year, sufficient funds not only for construction and transfer costs but also must give priority to environmental cleanup in order to expedite the closure and land and facility transfer so that communities can mitigate economic losses with alternative economic development. The conferees further note that $69,000,000 has been programmed and budgeted under the DERA account in fiscal year 1992 for cleanup at those closed bass which are on the National Priorities list. The conferees strongly urge that such funds be used for such purposes and that environmental cleanup costs for closed bases be included in the respective base closure accounts in next year's budget.

GENERAL PROVISIONS

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 amendment of the Senate which adds Korea to the requirement for the Secretary of Defense to report the specific actions to be taken during fiscal year 1992 to encourage other member nations of NATO and Japan to assume a greater share of the common defense burden.

Amendment No. 29

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 which transfers 500 acres at Fort Meade, Maryland to the Secretary of the Interior.

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 amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

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 requires the Secretary of the Army to carry out repairs, historic preservation, and maintenance actions in connection with conveyance of real property at Fort Douglas, Utah to the University of Utah. The conference agreement includes language which limits this activity to structural repairs within the boundaries of the Fort Douglas National Historic Landmark.

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:

New budget (obligational) authority, fiscal year 1991	$8,362,171,000
Budget estimates of new (obligational) authority, fiscal year 1992	8,618,310,000
House bill, fiscal year 1992	8,483,006,000
Senate bill, fiscal year 1992	8,469,025,000
Conference agreement, fiscal year 1992	8,562,596,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+200,425,000
Budget estimates of new (obligational) authority, fiscal year 1992	−55,714,000
House bill, fiscal year 1992	+79,590,000
Senate bill, fiscal year 1992	+93,571,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)	96,200	96,200
AMMUNITION DEMILITARIZATION SUPPORT FACILITY	4,100	4,100
MISSILE MAINTENANCE FACILITY 1/	5,500	5,500
REDSTONE ARSENAL		
ADMINISTRATION FACILITY	67,600	67,600
AMMUNITION HANDLING INSTRUCTION FACILITY	7,100	7,100
FORT RUCKER		
AVIATION MAINTENANCE HANGAR	14,600	14,600
FUEL STORAGE FACILITY	3,100	3,100
AIR FORCE		
GUNTER AFB		
SENIOR NCO ACADEMY SUPPORT FACILITIES	5,200	5,200
UPGRADE DORMITORIES	4,000	4,000
ARMY NATIONAL GUARD		
DANNELLY FIELD, MONTGOMERY		
AVIATION SUPPORT FACILITY	---	7,528
ARMORY	---	2,613
AIR NATIONAL GUARD		
DANNELLY FIELD, MONTGOMERY		
JET FUEL STORAGE COMPLEX	---	3,500
TOTAL, ALABAMA	207,400	221,041
ALASKA		
ARMY		
FORT GREELY		
BARRACKS	7,600	7,600
FORT RICHARDSON		
UPGRADE PHYSICAL FITNESS CENTER	---	7,000
FT J M WAINWRIGHT		
BATTLE SIMULATION FACILITY	3,750	3,750
UNIT CHAPEL	4,200	4,200
REPROGRAMMING ALLOWANCE	---	3,300
NAVY		
ADAK NAVAL SECURITY GROUP ACTIVITY		
BACHELOR ENLISTED QUARTERS	9,100	9,100
CLASSIC WIZARD FACILITY ADDITION	3,600	3,600
AMCHITKA ISLAND FLEET SURVEILLANCE SPT CMD		
SUPPLY PIER	7,200	7,200
ANCHORAGE NAVAL SECURITY GRP SUPPORT DET		
OPERATIONS BUILDING CLASSIC OWL	2,600	2,600
SHEMYA NAVAL SECURITY GROUP SUPPORT DET		
OPERATIONS BUILDING CLASSIC OWL	3,140	3,140
AIR FORCE		
EIELSON AFB		
RANGE SUPPORT FACILITY	---	4,500
TRANSIENT ENLISTED PERSONNEL QUARTERS	12,800	12,800
TRANSIENT PERSONNEL QUARTERS	13,600	13,600
ELMENDORF AFB		
MUNITIONS MAINTENANCE CONTROL FACILITY	1,400	1,400
SHEMYA AFB		
AIR FREIGHT TERMINAL	8,800	8,800
HAZARDOUS MATERIALS STORAGE FACILITY	4,000	4,000
SEA WALL/EROSION PROTECTION	6,300	6,300
SUPPLY WAREHOUSE	16,500	16,500
UPGRADE BASE ROADS (PHASE II)	2,800	2,800
DEFENSE AGENCIES		
KODIAK U.S. COAST GUARD SUPPORT CENTER		
SOF COLD WEATHER TRAINING FACILITY	2,050	2,050
AIR NATIONAL GUARD		
EIELSON AFB		
SQUADRON OPERATIONS	---	4,600
KULIS ANGB		
ADD/ALTER AVIONICS/ECM SHOP	850	850
ADD/ALTER SQUADRON OPERATIONS FACILITY	3,850	3,850
ALTER HELICOPTER MAINTENANCE FACILITY	1,200	1,200
FIRE STATION	---	400
TOTAL, ALASKA	115,340	135,140

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARIZONA		
ARMY		
FORT HUACHUCA		
APPLIED INSTRUCTION FACILITY	9,500	9,500
HARDSTAND/TACTICAL EQUIPMENT SHOP	4,400	4,400
MODIFIED RECORD FIRE RANGE	1,500	1,500
NCO ACADEMY	2,600	2,600
AIR FORCE		
DAVIS-MONTHAN AFB		
WASTE WATER TREATMENT FACILITY	---	4,100
LUKE AFB		
ALTER WASTEWATER TREATMENT FACILITY	6,000	6,000
CONSTRUCT COURSEWARE TRAINING FACILITY	2,800	2,800
WILLIAMS AFB		
SPECIALIZED UPT MAINTENANCE SUPPORT 3/	5,700	---
ARMY NATIONAL GUARD		
MARANA		
AVIATION MAINTENANCE FACILITY	---	6,670
PHOENIX		
ARMORY, ADDITION (STARC)	984	984
AIR NATIONAL GUARD		
TUCSON IAP		
MAINTENANCE HANGAR	---	7,900
LIBBY AAF, FORT HUACHUCA		
UPGRADE RUNWAY LIGHTS	---	1,200
TOTAL, ARIZONA	33,484	47,654
ARKANSAS		
DEFENSE AGENCIES		
LITTLE ROCK AFB		
HOSPITAL LIFE SAFETY UPGRADE	690	690
CALIFORNIA		
ARMY		
FORT HUNTER LIGGETT		
BARRACKS MODERNIZATION	4,700	4,700
FT IRWIN		
BATTERY MAINTENANCE FACILITY	670	670
COMPANY OPERATIONS FACILITIES (3)	2,300	2,300
FIXED LAUNDRY	2,450	2,450
RATIONS WAREHOUSE	2,700	2,700
TACTICAL EQUIPMENT SHOP	2,200	2,200
SIERRA ARMY DEPOT		
LAND ACQUISITION	1,950	1,950
NAVY		
BRIDGEPORT MTN WARFARE TRAINING CENTER		
BILLETING COMPLEX	---	11,300
CAMP PENDLETON AMPHIBIOUS TASK FORCE		
BACHELOR ENLISTED QUARTERS	5,750	5,750
LANDING CRAFT AIR CUSHION COMPLEX-INCR IV	12,000	12,000
CAMP PENDLETON MARINE CORPS AIR STATION		
AIRCRAFT FIRE AND RESCUE STATION ADDITION	650	650
OPERATIONAL TRAINER FACILITY ADDITION	1,360	1,360
CAMP PENDLETON MARINE CORPS BASE		
ARMORY ADDITION AND MOTOR TRANSPORT FACILITY	1,460	1,460
CHINA LAKE NAVAL WEAPONS CENTER		
INTEGRATED NAVAL AIR DEFENSE SYSTEM FACILITY 1/	16,600	16,600
CONCORD NAVAL WEAPONS STATION		
MISSILE TEST CELL 1/	1,250	1,250
CORONADO NAVAL AMPHIBIOUS BASE		
SMALL CRAFT BERTHING PIER	1,600	1,600
FALLBROOK NAVAL WEAPONS STATION ANNEX		
MISSILE PRODUCTION FACILITY 1/	9,700	9,700
MIRAMAR NAVAL AIR STATION		
CASS TRAINING BUILDING ADDITION	2,000	2,000
MAINTENANCE HANGAR ALTERATIONS	1,250	1,250
MONTEREY NAVAL POSTGRADUATE SCHOOL		
FIRE PROTECTION SYSTEM	2,900	2,900
MECHANICAL ENGINEERING INSTRUCTION BUILDING	---	12,000
PORT HUENEME NAVAL CONSTR BATTALION CTR		
BACHELOR ENLISTED QUARTERS (INCREMENT I)	6,880	6,880
CHILD DEVELOMENT CENTER ADDITION	2,070	2,070
CONSTRUCTION BATTALION CTR OPERATIONS FACILITY	8,300	8,300
SAN DIEGO FLEET COMBAT TRNG CTR PACIFIC		
APPLIED INSTRUCTRUCTION BUILDING ADDITION	640	640
SAN DIEGO NAVAL STATION		
MESS HALL IMPROVEMENTS	310	310

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
SHIP DEMAGNETIZING FACILITY	2,800	2,800
SAN DIEGO NAVAL SUBMARINE BASE		
BACHELOR ENLISTED QUARTERS	14,130	14,130
SAN DIEGO NAVAL SUPPLY CENTER		
FIRE PROTECTION SYSTEM 1/	1,750	1,750
GENERAL WAREHOUSE ADDITION	---	8,600
SAN DIEGO NAVY PUBLIC WORKS CENTER		
AUTOMOTIVE VEHICLE MAINTENANCE SHOP 1/	9,300	9,300
ELECTRICAL DISTRIBUTION SYSTEM UPGRADE 1/	7,500	7,500
SEAL BEACH NAVAL WEAPONS STATION		
TOMAHAWK MISSILE MAGAZINE 1/	3,780	3,780
TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR		
FIRE FIGHTER TRAINING FACILITY	680	680
VALLEJO MARE ISLAND NAVAL SHIPYARD		
COMPUTER OPERATIONS CENTER	---	9,000
ROAD REALIGNMENT	3,570	3,570
AIR FORCE		
BEALE AFB		
ALERT CREW READINESS CENTER	800	800
COVERED AIRCRAFT WASHRACK	2,250	2,250
CASTLE AFB		
ADD/ALTER WEAPONS/RELEASE SYS SHOP/STORAGE 3/	3,000	---
WAR READINESS SPARE KITS (WRSK) WAREHOUSE 3/	1,300	---
EDWARDS AFB		
ALTER DORMITORIES	7,500	7,500
UPGRADE ELECTRIC DISTRIBUTION SYSTEM	6,800	6,800
MARCH AFB		
COMBAT ARMS TRAINING FACILITIES	710	710
DORMITORY	7,200	7,200
SIERRA DEPOT		
MUNITIONS MAINTENANCE FACILITY	2,700	2,700
TRAVIS AFB		
ADD TO AND ALTER ELECTRIC SUBSTATION	4,000	4,000
ALTER DORMITORIES	---	5,500
C-141 ADD/ALTER FLIGHT SIM TRAINING FACILITY	1,700	1,700
ADD TO CHILD DEVELOPMENT CENTER	---	3,350
ALTER/UPGRADE CONSOLIDATED SUPPORT CENTER	---	9,000
FIELD TRAINING FACILITY	780	780
RELOCATE JET FUEL PIPELINE	810	810
SOUND SUPPRESSOR SUPPORT FACILITY 1/	990	990
VANDENBERG AFB		
LAND ACQUISITION (PHASE II)	80,000	20,000
DEFENSE AGENCIES		
MONTEREY DEFENSE LANGUAGE INSTITUTE		
GENERAL INSTRUCTIONAL BUILDING	6,000	6,000
CAMP PENDLETON MARINE CORPS BASE		
SOF TRAINING COURSE COMPLEX 2/	4,900	4,900
CORONADO NAVAL AMPHIBIOUS BASE		
SOF COMBATANT OPERATIONAL STORAGE BUILDING	2,100	2,100
SAN DIEGO NAVAL HOSPITAL		
MEDICAL/DENTAL CLINIC REPLACEMENT	17,500	17,500
STOCKTON NAVAL COMMUNICATIONS STATION		
FLEET HOSPITAL PREPOSITIONING FACILITY	22,000	22,000
TRACY DEFENSE DEPOT		
WATER WELLS 1/	2,000	2,000
TRAVIS AFB		
ARMED SERVICES WHOLE BLOOD FACILITY	2,000	2,000
ARMY NATIONAL GUARD		
CAMP ROBERTS		
RANGE REHABILITATION	324	324
STOCKTON		
COMBINED SUPPORT MAINTENANCE SHOP REHABILITATION	---	1,613
VARIOUS LOCATIONS		
ARMORY MAINTENANCE PROGRAM	---	600
CONVERSION PROJECTS	---	2,172
TOTAL, CALIFORNIA	312,564	311,399
COLORADO		
ARMY		
FORT CARSON		
FLIGHT SIMULATOR BUILDING	3,000	3,000
INFORMATION SYSTEMS FACILITY	7,500	7,500
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION SUPPORT FACILITY	6,300	6,300

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
BUCKLEY ANG BASE		
ADD TO AEROSPACE DATA FACILITY	40,000	40,000
ADD/ALTER TECHNICAL SUPPORT FACILITY	1,200	1,200
ADD TO SATELLITE COMMUNICATION GROUND TERMINAL	850	850
CHEYENNE MT COMPLEX AFB		
BOUNDARY FENCE	610	610
FALCON AFS		
FIRE STATION	1,400	1,400
PETERSON AFB		
ADD/ALTER DORMITORY (PHASE II)	2,700	2,700
CENTRALIZED INTEGRATION SPT FAC (PHASE I)	21,000	21,000
CHILD DEVELOPMENT CENTER	2,600	2,600
US AIR FORCE ACADEMY		
CONSOLIDATED EDUC AND TRNG FACILITY (PHASE II)	---	21,000
UPGRADE DORMITORIES	3,000	3,000
DEFENSE AGENCIES		
FITZSIMMONS ARMY HOSPITAL		
LIFE SAFETY UPGRADE	---	3,000
ARMY NATIONAL GUARD		
LONGMONT		
ORGANIZATIONAL MAINTENANCE SHOP	---	3,218
AIR NATIONAL GUARD		
BUCKLEY ANGB		
ADD/ALTER AIRCRAFT ENGINE SHOP	500	500
ALTER AIRCRAFT MAINTENANCE HANGAR	---	5,000
POWER CHECK PAD W/SUPPRESSOR	800	800
VEHICLE MAINTENANCE COMPLEX	---	2,200
AIR FORCE RESERVE		
PETERSON AFB		
SURVIVAL EQUIP/LIFE SUPPORT SHOP	1,150	1,150
TOTAL, COLORADO	92,610	127,028
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
FIRE STATION	770	770
FUEL TANKS REPLACEMENT	3,650	3,650
RELIGIOUS EDUCATION CENTER	1,260	1,260
NEW LONDON SUBMARINE SUPPORT FACILITY		
SUBMARINE INTERMEDIATE MAINT FAC MODERNIZATION	5,800	5,800
AIR NATIONAL GUARD		
BRADLEY FIELD, WINDSOR		
JET FUEL STORAGE COMPLEX	2,500	2,500
UPGRADE FACILITIES	---	8,980
TOTAL, CONNECTICUT	13,980	22,960
DELAWARE		
AIR FORCE		
DOVER AFB		
ADD/ALTER AIRCRAFT MAINTENANCE SHOP	2,950	2,950
CHILD CARE FACILITY	---	2,600
DORMITORIES	7,200	7,200
AIR NATIONAL GUARD		
GREATER WILMINGTON AIRPORT		
COMPOSITE OPERATIONS AND TRAINING FACILITY	2,700	2,700
TOTAL, DELAWARE	12,850	15,450
DISTRICT OF COLUMBIA		
NAVY		
WASHINGTON COMMANDANT NAVAL DISTRICT		
CHILD DEVELOPMENT CENTER	3,700	3,700
HAZARDOUS WASTE STORAGE FACILITY	2,050	2,050
AIR FORCE		
BOLLING AFB		
BASE ENGINEER COMPLEX (PHASE I)	5,400	---
ARMY NATIONAL GUARD		
FORT BELVOIR		
ARMY AVIATION SUPPORT FACILITY ADDITION	2,765	2,765
NAVY RESERVE		
WASHINGTON NAVAL AIR FACILITY		
HANGER ADDITION	1,300	1,300
TOTAL, DISTRICT OF COLUMBIA	15,215	9,815

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FLORIDA		
NAVY		
JACKSONVILLE NAVAL AVIATION DEPOT		
INDUSTRIAL WASTE TREATMENT FACILITY 1/	3,300	3,300
MAYPORT NAVAL STATION		
CHILD DEVELOPMENT CENTER	2,150	2,150
HAZARDOUS WASTE STORAGE FACILITY	990	990
ORLANDO NAVAL TRAINING CENTER		
BARRACKS	7,980	7,980
CHILD DEVELOPMENT CENTERS	4,000	4,000
COLD STORAGE WAREHOUSE	2,150	2,150
MESS HALL	7,300	7,300
PANAMA CITY NAVAL COASTAL SYSTEMS CENTER		
BACHELOR ENLISTED QUARTERS	9,000	9,000
MESS HALL	2,150	2,150
PENSACOLA NAVAL AIR STATION		
BRIG	4,000	4,000
PENSACOLA NAVAL SUPPLY CENTER		
COLD STORAGE WAREHOUSE 1/	5,700	5,700
AIR FORCE		
CAPE CANAVERAL AFS		
CENTAUR CRYOGENIC TANKING FACILITY	24,000	24,000
EGLIN AFB		
OPERATIONS AND COMMUNICATIONS FACILITY	2,830	2,830
HOMESTEAD AFB		
ALTER DORMITORIES	4,900	4,900
TYNDALL AFB		
SOUND SUPPRESSOR SUPPORT	850	850
DEFENSE AGENCIES		
CAPE CANAVERAL AFS		
PAYLOAD PROCESSING FACILITY	11,700	11,700
EGLIN AUX FIELD 3		
SOF ADD/ALTER MUNITIONS COMPLEX	2,400	2,400
EGLIN AUX FIELD 9		
ADD/ALTER CHILD DEVELOPMENT CENTER	1,250	1,250
ADD/ALTER AIRCRAFT ENG INSP/REPAIR SHOP	750	750
ENLISTED DORMITORY	---	5,500
SOF ADD/ALTER AIRCRAFT SUP EQUIP SHOP/STORAGE	1,050	1,050
SOF AFSOC HDQ'S ANNEX FACILITY	5,400	5,400
SOF SPECIAL OPERATIONS SCHOOL	3,600	3,600
HOMESTEAD AFB		
HOSPITAL (PHASE I)	---	10,000
JACKSONVILLE DEFENSE FUEL SUPPORT POINT		
FIRE PROTECTION SYSTEM 1/	2,200	2,200
PENSACOLA DEFENSE FUEL SUPPORT POINT		
FUEL TANKAGE 1/	16,000	16,000
TYNDALL AFB		
MEDICAL LOGISTICS FACILITY	800	800
ARMY NATIONAL GUARD		
CAMP BLANDING		
LAW RANGE	---	550
AVIATION FUEL FACILITY	---	275
MAC RANGE	---	954
WAUCHULA		
ARMORY	---	1,077
AIR NATIONAL GUARD		
JACKSONVILLE		
VEHICLE MAINTENANCE	---	700
AIR FORCE RESERVE		
HOMESTEAD AFB		
PARARESCUE OPERATIONS	1,300	1,300
TOTAL, FLORIDA	127,750	146,806
GEORGIA		
ARMY		
FORT BENNING		
GENERAL INSTRUCTION FACILITY	2,150	2,150
FORT GORDON		
ENERGY MONITORING AND CONTROL SYSTEM	1,200	1,200
FT STEWART/HUNTER AAF		
AUTOMATED RECORD FIRE RANGE	950	950
NAVY		
KINGS BAY NAVAL SUBMARINE BASE		
GENERATOR TEST BUILDING ADDITION	580	580
TRIDENT TRAINING COMPLEX ADDITION	9,200	9,200

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MCINTOSH COUNTY		
LAND ACQUISITION (PHASE II)	---	2,881
AIR FORCE		
ROBINS AFB		
ADD/ALTER AIRCRAFT MAINTENANCE UNIT FACILITY	800	---
ADD/ALTER ALERT CREW FACILITY	3,100	3,100
ADD/ALTER SQUADRON OPERATIONS FACILITY	2,000	---
FLIGHT SIMULATOR FACILITY	---	2,200
UPGRADE UTILITIES/COMM SYSTEM	---	2,650
BASE ENGINEER COMPLEX (PHASE I)	6,800	6,800
BASE SUPPLY AND EQUIPMENT WAREHOUSE	3,100	---
INDUSTRIAL WASTEWATER TRTMNT OUTFALL LINE/LAND 1/	1,700	1,700
JOINT STARS AUTOMATIC TEST FACILITY 1/	2,500	2,500
MISSION SIMULATOR AND SOFTWARE SUPPORT FACILITY	8,300	9,200
ALTER TACTICAL TRAINING SQUADRON FACILITY	2,200	2,250
DEFENSE AGENCIES		
FORT STEWART		
RENOVATE/EXPAND DIAMOND ELEMENTARY SCHOOL	---	6,951
FORT BENNING		
PARACHUTE RIGGING FACILITY	---	3,900
NAVY RESERVE		
ATLANTA NAVAL AIR STATION		
GROUND SUPPORT EQUIPMENT SHOP	1,600	1,600
AIR FORCE RESERVE		
DOBBINS AFB		
BASE CIVIL ENGINEERING COMPLEX	3,890	3,890
TOTAL, GEORGIA	50,070	63,702
HAWAII		
ARMY		
SCHOFIELD BARRACKS		
FIRE STATION	2,150	2,150
SUPPLY SERVICE AND ADMINISTRATION BUILDING	3,650	3,650
FORT SHAFTER		
CHILD DEVELOPMENT CENTER	3,500	3,500
NAVY		
BARBERS POINT NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS MODERNIZATION	3,300	3,300
HONOLULU NAVAL COM AREA MASTER STA EASTPAC		
BACHELOR ENLISTED QUARTERS MODERNIZATION	1,500	1,500
LUALUALEI NAVAL MAGAZINE		
TORPEDO MAINTENANCE FACILITIES	8,700	8,700
PEARL HARBOR NAV INACTIVE SHIP MAINT FAC		
ELECTRICAL DISTRIBUTION SYS IMPROVEMENTS	3,200	3,200
PEARL HARBOR NAVAL SHIPYARD		
FIRE PROTECTION SYSTEM 1/	800	800
PEARL HARBOR NAVAL SUBMARINE BASE		
BERTHING WHARF	23,000	23,000
SHORE INTERMEDIATE MAINTENANCE ACTIVITY	39,000	39,000
PEARL HARBOR NAVY PUBLIC WORKS CENTER		
SEWAGE SYSTEM IMPROVEMENTS 1/	1,650	1,650
WASTEWATER TREATMENT PLANT MODIFICATIONS 1/	1,250	1,250
WASTEWATER TREATMENT PLANT EXPANSION 1/	10,540	10,540
AIR FORCE		
CAMP SMITH		
MILSTAR GROUND COMMUNICATIONS TERMINAL	2,600	2,600
HICKAM AFB		
NCO PROFESSIONAL MIL EDUCATION CTR COMPLEX	5,100	5,100
UPGRADE WATER DISTRIBUTION SYSTEM	2,000	2,000
DEFENSE AGENCIES		
CAMP SMITH		
NAT'L SECURITY AGCY/CNTRL SECURITY SVC RELOCATION	488	488
HICKAM AFB		
ADD/ALTER MEDICAL DENTAL CLINIC	13,800	13,800
TRIPLER ARMY HOSPITAL		
MEDICAL EDUCATION CENTER	---	3,500
ARMY NATIONAL GUARD		
PEARL CITY		
MAINTENANCE TRAINING FACILITY	1,883	1,883
AIR NATIONAL GUARD		
HICKAM AFB		
COMPOSITE VEHICLE MAINTENANCE SHOP	2,900	2,900
TOTAL, HAWAII	131,011	134,511

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
IDAHO		
ARMY NATIONAL GUARD		
GOWEN FIELD, BOISE		
ARMY AVIATION SUPPORT FACILITY	8,261	8,261
ARMORY	---	5,995
TRAINING SITE, AMMUNITION SUPPLY POINT	5,365	5,365
AIR NATIONAL GUARD		
GOWEN FIELD		
POWER CHECK PAD	---	800
TOTAL, IDAHO	13,626	20,421
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
MESS HALL MODERNIZATION	7,000	7,000
AIR FORCE		
SCOTT AFB		
AIRCRAFT MAINTENANCE FACILITY	8,900	8,900
DINING FACILITY	4,390	4,390
ARMY NATIONAL GUARD		
NORTH RIVERSIDE		
OMS MODIFICATIONS	---	362
AIR NATIONAL GUARD		
GREATER PEORIA AIRPORT		
COMPOSITE OPERATIONAL TRAINING FACILITY	---	4,800
POWER CHECK PAD W/SUPPRESSOR	800	800
SECURITY POLICE OPERATIONS FACILITY	600	600
NAVY RESERVE		
GREAT LAKES NAVAL RESERVE READINESS CENTER		
TRAINING BUILDING	6,300	6,300
TOTAL, ILLINOIS	27,990	33,152
INDIANA		
ARMY		
FORT BENJAMIN HARRISON		
ADMINISTRATION BUILDING	25,000	---
NAVY		
CRANE NAVAL WEAPONS SUPPORT CENTER		
ELECTRONICS MAINTENANCE SHOP	8,700	8,700
ELECTRONICS COUNTERMEASURES SYSTEMS CENTER	---	10,000
PEST CONTROL FACILITY 1/	750	750
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
MACHINE GUN RANGE (RETS)	1,130	1,130
AIR NATIONAL GUARD		
TERRE HAUTE		
MUNITIONS MAINTENANCE STORAGE COMPLEX	---	2,200
TOTAL, INDIANA	35,580	22,780
IOWA		
ARMY NATIONAL GUARD		
CAMP DODGE		
ACCESS ROAD (PHASE II)	---	5,450
PHYSICAL TRAINING/RECREATION FACILITY	---	960
WATERLOO		
ARMY AVIATION SUPPORT FACILITY ADDITION	505	505
AIR NATIONAL GUARD		
SIOUX CITY MAP		
ADD/ALTER AIRCRAFT ENGINE SHOP	980	980
ADD/ALTER AVIONICS/ECM POD SHOP	1,150	1,150
TOTAL, IOWA	2,635	9,045
KANSAS		
ARMY		
FORT RILEY		
MODIFIED RECORD FIRE RANGE	1,800	1,800
AIR FORCE		
MCCONNELL AFB		
FIRE STATION	4,950	4,950
TEMPORARY LODGING FACILITY	2,700	2,700
TORNADO DAMAGED FACILITIES 4/	39,780	28,150

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
FORT RILEY		
MOBILIZATION AND TRAINING EQUIP SITE EXPANSION....	6,662	6,662
AIR NATIONAL GUARD		
MCCONNELL AFB, WICHITA		
ADD TO CORROSION CONTROL FACILITY.....	550	750
TOTAL, KANSAS.....	56,442	45,012
KENTUCKY		
ARMY		
FORT CAMPBELL		
EFFLUENT CONTROL FACILITY.....	650	650
MAINTENANCE FACILITY.....	14,800	14,800
MODIFIED RECORD FIRE RANGE.....	1,600	1,600
FORT KNOX		
COMBAT PISTOL RANGE MODERNIZATION.....	600	600
DINING FACILITY MODERNIZATION.....	2,700	2,700
ENERGY MONITORING AND CONTROL SYSTEM.....	3,150	3,150
SEWAGE TREATMENT PLANT.....	17,000	17,000
DEFENSE AGENCIES		
FORT CAMPBELL		
SOF BATTALION HEADQUARTERS.....	5,800	5,800
AIR NATIONAL GUARD		
STANDIFORD FIELD, LOUISVILLE		
RELOCATION, PHASE II.....	---	5,000
TOTAL, KENTUCKY.....	46,300	51,300
LOUISIANA		
ARMY		
FORT POLK		
CENTRAL WASH FACILITY MODERNIZATION.....	930	930
CONSOLIDATED MAINTENANCE FACILITY.....	11,000	11,000
TACTICAL EQUIPMENT SHOP.....	10,800	10,800
AIR FORCE		
BARKSDALE AFB		
ADD/ALTER WEAPONS & RELEASE SYSTEM SHOP.....	520	520
ALERT TAXIWAY BARRIER.....	780	780
B-52 FLIGHT SIMULATOR TRAINING FACILITY.....	5,000	5,000
ENGINE TEST PAD.....	---	2,000
ELECTRICAL SYSTEM UPGRADE.....	---	1,200
WATER SYSTEM MODIFICATION.....	---	1,700
ARMY NATIONAL GUARD		
CAMP BEAUREGARD		
RANGE, MODIFIED RECORD FIRE (RETS).....	937	937
FORT POLK (LEESVILLE)		
ARMORY (200 PERSONS).....	2,067	2,067
AIR NATIONAL GUARD		
NEW ORLEANS NAS		
ADD TO MEDICAL TRAINING FACILITY (W/AFRES).....	450	450
ARMY RESERVE		
BATON ROUGE		
USAR CENTER.....	3,672	3,672
AIR FORCE RESERVE		
NEW ORLEANS NAS		
ADD TO MEDICAL TRAINING FACILITY (W/ANG).....	450	450
TOTAL, LOUISIANA.....	36,606	41,506
MAINE		
ARMY NATIONAL GUARD		
CARIBOU		
OMS ADDITION/ALTERATION.....	686	686
AIR NATIONAL GUARD		
BANGOR IAP		
JET FUEL STORAGE AND DISTRIBUTION SYSTEM.....	6,700	6,700
TOTAL, MAINE.....	7,386	7,386
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
COLD STORAGE WAREHOUSE.....	6,400	6,400
FLIGHT CONTROL TOWER.....	850	850
PHYSICAL FITNESS CENTER.....	---	3,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT RITCHIE		
FIRE STATION	---	1,500
SECURITY UPGRADE	2,400	2,400
NAVY		
ANNAPOLIS DAVID TAYLOR NAVSHPRSCH/DEVCTR		
COMPOSITE MATERIALS LABORATORY 3/	3,450	---
ANNAPOLIS NAVAL RADIO TRANSMITTING FACILITY		
ANTENNA MODIFICATIONS	2,400	2,400
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	1,900	1,900
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	920	920
BETHESDA NATIONAL NAVAL MEDICAL CENTER		
BACHELOR ENLISTED QUARTERS MODERNIZATION	3,500	3,500
SANITARY SEWAGE SYSTEM IMPROVEMENTS	970	970
INDIAN HEAD NAVAL ORDNANCE STATION		
INDUSTRIAL WASTEWATER TRTMNT FAC (PHASE II) 1/	6,600	6,600
PATUXENT RIVER NAVAL AIR TEST CENTER		
ALERT FORCE FACILITY	5,800	5,800
ST INIGOES NAVAL ELECTRONIC SYS ENGR ACT		
ACLS INTEGRATION AND TEST FACILITY	1,750	1,750
ELECTRONICS SYSTEMS INTEGRATION LABORATORY	5,800	5,800
SANITARY WASTEWATER SYSTEM	900	900
AIR FORCE		
ANDREWS AFB		
DEFENSE ACCESS ROAD	---	6,000
DORMITORY	5,400	5,400
REPLACE ROOF, COMMUNICATIONS CENTER	---	2,700
DEFENSE AGENCIES		
BROOKMONT DMA HYDROGRAPHIC/TOPOGRAPHIC CENTER		
FIRE SAFETY AND SECURITY IMPROVEMENTS	1,000	1,000
FORT MEADE		
ENGINEER SUPPORT FACILITY	1,400	1,400
FIRE PROTECTION	1,000	1,000
GENERATOR MODIFICATIONS	750	750
SPRINKLER AND FIRE ALARM	1,500	1,500
PERIMETER CONTROL	9,000	---
PLATING CENTER	1,072	1,072
BETHESDA USUHS		
ALTER EXISTING ANIMAL FACILITY	600	---
ARMY NATIONAL GUARD		
CHELTENHAM		
ARMORY	---	3,300
TOWSON		
DIVISION LOGISTICS WAREHOUSE	373	373
AIR NATIONAL GUARD		
ANDREWS AFB		
COMPOSITE MAINTENANCE FACILITY	2,250	2,250
AIR FORCE RESERVE		
ANDREWS AFB		
COMPOSITE TRAINING FACILITY	1,550	1,550
TOTAL, MARYLAND	69,535	73,885
MASSACHUSETTS		
ARMY		
NATICK RESEARCH CENTER		
ADMINISTRATION FACILITY ADDITION	1,350	1,350
CLIMATIC CONTROL SYSTEM	2,900	2,900
AIR FORCE		
HANSCOM AFB		
SECURITY POLICE OPERATIONS	3,200	3,200
UPGRADE LABORATORY PHYSICAL PLANT (PHASE II)	8,000	8,000
ARMY NATIONAL GUARD		
CAMP EDWARDS		
TRAINING SITE, HEATING PLANT (W/AIR NG)	1,369	1,369
AIR NATIONAL GUARD		
BARNES MAP, WESTFIELD		
ENGINE CHECK FACILITY	---	1,250
AIRCRAFT BARRIER	---	2,050
OTIS ANGB, FALMOUTH		
UPGRADE HEAT SYSTEMS (W/ARMY NG)	3,500	3,500
ARMY RESERVE		
TAUTON		
USAR CENTER	---	3,526
TOTAL, MASSACHUSETTS	20,319	27,145

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MICHIGAN		
AIR FORCE		
KI SAWYER AFB		
ADD/ALTER B-52 FLIGHT SIMULATOR FACILITY	400	400
ALERT TAXIWAY BARRIERS	1,300	1,300
AIR NATIONAL GUARD		
WK KELLOGG REGIONAL AIRPORT, BATTLE CREEK		
AVIONICS & WEAPONS RELEASE SHOP	2,800	2,800
SQUADRON OPERATIONS FACILITY	2,450	2,450
UNSUPPRESSED POWER CHECK PAD	700	700
ENGINE MAINTENANCE SHOP	---	2,250
TOTAL, MICHIGAN	7,650	9,900
MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
TROOP MEDICAL TRAINING FACILITY	---	1,100
MONTEVIDEO		
ARMORY	---	1,891
ROSEMOUNT		
ARMORY	---	5,120
TOTAL, MINNESOTA	---	8,111
MISSISSIPPI		
NAVY		
MERIDIAN NAS		
FIRE STATION EXPANSION	---	418
FIRE TRAINING FACILITY	---	1,200
GULFPORT		
SEABEE WAREHOUSE	---	7,000
AIR FORCE		
COLUMBUS AFB		
ALTER SPECIALIZED UPT SQUADRON OPS FACILITY	600	600
KEESLER AFB		
TRAINING DEVELOPMENT SQUADRON FACILITY	3,400	3,400
ARMY NATIONAL GUARD		
CAMP MCCAIN		
CONVERT RECORD FIRE RANGE TO MODIFIED RECORD FIRE RANGE	---	546
MARKS		
ARMORY ALTERATION	---	200
SENATOBIA		
ORGANIZATIONAL MAINTENANCE SHOP	---	723
TUPELO		
OMS	---	992
CAMP SHELBY		
ADAL MAINTENANCE FACILITY	---	600
PAVE TRAINING ROADS	---	1,200
WEST POINT		
ORGANIZATIONAL MAINTENANCE SHOP	---	1,270
VARIOUS LOCATIONS		
MOBILE CONDUCT OF FIRE TRAINER SITES	---	306
AIR NATIONAL GUARD		
KEY FIELD, MERIDIAN		
FUEL CELL AND CORROSION CONTROL DOCK	4,450	4,450
UPGRADE AIRCRAFT PAVEMENTS	13,370	13,370
TOTAL, MISSISSIPPI	21,820	36,275
MISSOURI		
ARMY		
FORT LEONARD WOOD		
ADMINISTRATION BUILDING	12,200	12,200
CHILD DEVELOPMENT CENTER	---	3,050
AIR FORCE		
WHITEMAN AFB		
B-2 ADD/ALTER FIRE STATION	5,100	5,100
B-2 ADD/ALTER UTILITY SYSTEMS	6,700	6,700
B-2 ADD/ALTER PHYSICAL FITNESS CENTER	3,800	3,800
B-2 AREA SECURITY IMPROVEMENTS	7,850	7,850
B-2 CONVENTIONAL MUNITIONS SUPPORT FACILITY	1,750	1,750
B-2 DEFENSE ACCESS ROADS	5,050	5,050
B-2 ENGINE MAINTENANCE SHOP	3,400	3,400
B-2 FLIGHT SIMULATOR FACILITY	4,050	4,050
B-2 HAZARDOUS MATERIAL STORAGE	1,700	1,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
B-2 IMPACT AID	1,000	1,000
B-2 MUNITIONS STORAGE IGLOOS	4,000	4,000
B-2 SURVIVAL EQUIPMENT FACILITY	1,000	1,000
B-2 WEAPONS RECEIVING AND PROCESSING FACILITY	3,100	3,100
B-2 WEAPONS STORAGE AREA SUPPLY WAREHOUSE	1,000	1,000
B-2 GENERAL REDUCTION	---	-20,000
SUBTOTAL, B-2 PROJECTS	49,500	29,500
DEFENSE AGENCIES		
ST LOUIS DMA AEROSPACE CENTER		
FIRE PROTECTION IMPROVEMENTS	1,000	1,000
ARMY NATIONAL GUARD		
FORT CROWDER		
RANGE UPGRADE (RETS)	822	822
AIR NATIONAL GUARD		
ROSECRANS MEMORIAL AIRPORT, ELWOOD		
ALTER OPERATIONS AND TRAINING FACILITY	1,600	1,600
ARMY RESERVE		
FORT LEONARD WOOD		
EQMT CONC SITE/AREA MNT SPT ACT/WAREHOUSE	4,055	4,055
TOTAL, MISSOURI	69,177	52,227
MONTANA		
AIR FORCE		
CONRAD STRS		
ADD/ALTER STRAT TRAINING RANGE TECH OPS FACILITY	700	700
HAVRE STRS		
ADD/ALTER STRAT TRAINING RANGE TECH OPS FACILITY	700	700
ARMY NATIONAL GUARD		
FORT HARRISON		
ARMORY	---	3,400
TOTAL, MONTANA	1,400	4,800
NEBRASKA		
AIR FORCE		
OFFUTT AFB		
ALERT FACILITY/SQUADRON OPERATIONS	4,700	4,700
HEADQUARTERS LIFE SAFETY UPGRADE	3,100	3,100
MILSTAR GROUND COMMUNICATIONS TERMINAL	2,950	2,950
SECURITY POLICE OPERATIONS	3,100	3,100
WORLDWIDE AIRBORNE COMMAND POST FACILITY	12,500	---
ARMY NATIONAL GUARD		
KEARNEY		
OMS	---	690
ARMORY	---	2,215
CAMP ASHLAND		
BARRACKS	---	6,613
LINCOLN		
USP&FO WAREHOUSE	---	2,289
TOTAL, NEBRASKA	26,350	25,657
NEVADA		
NAVY		
FALLON NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS	---	5,700
RANGE AIR SURVEILLANCE FACILITY	2,500	2,500
AIR FORCE		
NELLIS AFB		
BASE ENGINEERING COMPLEX (PHASE II)	5,300	5,300
CHILD DEVELOPMENT CENTER	3,100	3,100
DEFENSE AGENCIES		
FALLON NAVAL AIR STATION		
MEDICAL/DENTAL CLINIC REPLACEMENT	6,000	6,000
NELLIS AIR FORCE BASE		
WAR RESERVE MATERIEL STORAGE	1,000	1,000
AIR NATIONAL GUARD		
CANNON IAP, RENO		
POWER CHECK PAD	---	700
ARMY NATIONAL GUARD		
WASHOE COUNTY		
OMS	---	1,050

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
YERRINGTON		
OMS	---	770
TOTAL, NEVADA	17,900	26,120
NEW HAMPSHIRE		
ARMY		
COLD REGIONS LABORATORY		
TECHNICAL LIBRARY AND ANALYSIS CENTER	3,700	3,700
AIR FORCE		
NEW BOSTON SATELLITE TRACKING STATION		
BCE COMPLEX, PASS/ID, AND SECURITY FENCE	4,210	4,210
AIR NATIONAL GUARD		
PEASE ANGB, NEWINGTON		
POWER CHECK PAD W/SOUND SUPPRESSOR	530	530
ADAL SQUADRON OPERATIONS	---	1,450
TOTAL, NEW HAMPSHIRE	8,440	9,890
NEW JERSEY		
ARMY		
FT DIX		
SEWAGE TREATMENT PLANT (JOINT W/MCQUIRE AFB)	20,000	20,000
NAVY		
EARLE NAVAL WEAPONS STATION		
CHILD DEVELOPMENT CENTER	1,250	1,250
ROAD IMPROVEMENTS	3,650	3,650
TRESTLES REPLACEMENT (PHASE II) 1/	36,500	11,400
AIR FORCE		
MCGUIRE AFB		
ALTER DORMITORIES	---	5,200
CHILD DEVELOPMENT CENTER	---	3,800
SEWAGE TREATMENT AND DISPOSAL (JOINT W/FT DIX)	22,500	22,500
ARMY RESERVE		
EDISON (NIXON)		
OMS/AREA MAINTENANCE SUPPORT ACTIVITY	3,981	3,981
MOUNT FREEDOM		
DINING FACILITY ADDITION	359	359
TOTAL, NEW JERSEY	88,240	72,140
NEW MEXICO		
ARMY		
WHITE SANDS MISSILE RANGE		
WATER WELL	4,250	4,250
AERIAL CABLE RANGE	---	9,600
AIR FORCE		
CANNON AFB		
ADD/ALTER COMBAT OPERATIONS FACILITY	490	490
ADD/ALTER PHYSICAL FITNESS CENTER	410	410
ADD TO YOUTH CENTER	400	400
HOLLOMAN AFB		
ADD/ALTER F-117A MAINTENANCE COMPLEX	5,800	5,800
ADD TO AIRCRAFT PARKING APRON	2,050	2,050
ADD/ALTER AIRCRAFT MAINTENANCE COMPLEX	5,100	---
ALTER DORMITORIES	6,000	6,000
BASE SUPPORT/INFRASTRUCTURE	6,800	6,800
CONTROL TOWER	2,500	2,500
F-117A FACILITIES (PHASE II)	39,000	39,000
HANGAR	4,500	4,500
MUNITIONS FACILITIES	3,900	3,900
OPERATIONS FACILITY	1,050	1,050
SQUADRON OPERATIONS FACILITY	1,000	1,000
KIRTLAND AFB		
ALTER DORMITORIES	5,600	5,600
DEFENSE AGENCIES		
KIRTLAND AFB		
SOF AERIAL DELIVERY FACILITY	2,050	2,050
WHITE SANDS MISSILE RANGE		
LARGE BLAST/THERMAL SIMULATOR (PHASE II)	20,000	20,000
ARMY NATIONAL GUARD		
LAS CRUCES MUNICIPAL AIRPORT		
ARMY AVIATION FLIGHT ACTIVITY	---	1,014
SANTA FE		
MILITARY EDUCATION ACADEMY	---	3,764
AMMUNITION BUNKERS	---	340

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
KIRTLAND AFB		
ALTER AVIONICS AND ECM SHOP	790	790
TOTAL, NEW MEXICO	111,690	121,308
NEW YORK		
ARMY		
FORT DRUM		
MULTIPURPOSE MACHINE GUN RANGE	---	2,350
MULTIPURPOSE TRAINING RANGE	---	2,100
FIRING RANGE	---	1,750
SENECA ARMY DEPOT		
FIRE STATION	1,150	1,150
U S MILITARY ACADEMY		
ADMINISTRATION BUILDING MODIFICATION	7,300	8,800
ADMINISTRATION FACILITY	7,000	7,000
AIR FORCE		
GRIFFISS AFB		
ADDITION TO SQUADRON OPERATIONS FACILITY	1,500	1,500
ALERT TAXIWAY BARRIERS	1,200	1,200
PLATTSBURGH AFB		
JET FUEL STORAGE	---	880
ELECTRICAL DISTRIBUTION SYSTEM	---	7,200
UPGRADE RUNWAY THRESHOLD LIGHTING	960	960
ARMY NATIONAL GUARD		
SYRACUSE		
ARMORY	---	6,440
AIR NATIONAL GUARD		
HANCOCK FIELD, SYRACUSE		
JET FUEL STORAGE COMPLEX	3,750	3,750
AIR FORCE RESERVE		
NIAGARA FALLS IAP		
HANGAR FIRE PROTECT SYSTEM	1,810	1,810
TOTAL, NEW YORK	24,670	46,890
NORTH CAROLINA		
ARMY		
FORT BRAGG		
ARTILLERY HEADQUARTERS BUILDING	3,600	3,600
CHAPEL FAMILY LIFE CENTER	2,950	2,950
MODIFIED RECORD FIRE RANGE	1,850	1,850
TACTICAL EQUIPMENT SHOP	5,000	5,000
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
VEHICLE READY FUEL STORAGE FACILITY	2,500	2,500
CHERRY POINT MARINE CORPS AIR STATION		
AIRCRAFT BOMBING RANGE SUPPORT FACILITIES	1,450	1,450
WASTEWATER TREATMENT PLANT IMPROVEMENTS	17,000	17,000
CHERRY POINT NAVAL AVIATION DEPOT		
AIRCRAFT ACCESSORIES OVERHAUL SHOP 1/	7,700	7,700
NEW RIVER MARINE CORPS AIR STATION		
AIRCRAFT DIRECT FUELING FACILITY MODIFICATIONS	7,100	7,100
AIR FORCE		
POPE AFB		
ADD/ALTER PHYSICAL FITNESS CENTER	4,450	4,450
CHILD DEVELOPMENT CENTER	2,050	2,050
MATERIAL HANDLING EQUIP MAITNENANCE FACILITY	1,700	1,700
SEYMOUR JOHNSON AFB		
ADD/ALTER KC-10 FUEL SYSTEM MAINTENANCE	2,700	2,700
ALTER DORMITORIES	8,500	8,500
DEFENSE AGENCIES		
FORT BRAGG		
AMBULATORY CARE CLINIC	5,000	5,000
SPECIAL OPERATIONS BATTALION HQ	---	6,000
CAMP LEJEUNE MARINE CORPS BASE		
TROOP MEDICAL CLINIC - NEW RIVER	4,600	4,600
CHERRY POINT MARINE CORPS AIR STATION		
HOSPITAL REPLACEMENT	34,000	34,000
ARMY NATIONAL GUARD		
CONCORD		
ORGANIZATIONAL MAINTENANCE SHOP	---	887
FORT BRAGG		
MOBILIZATION AND TRAINING EQUIP SITE EXPANSION	2,796	2,796
CAMP BUTNER		
RANGE, MODIFIED RECORD FIRE (RETS)	986	986

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
RALEIGH		
PROPERTY AND FISCAL OFFICE	---	1,824
AIR NATIONAL GUARD		
DOUGLAS MAP, CHARLOTTE		
FIREMEN TRAINING FACILITY	570	570
TOTAL, NORTH CAROLINA	116,502	125,213
NORTH DAKOTA		
AIR FORCE		
DICKINSON STRS		
ADD/ALTER STRAT TRNG RANGE TECHNICAL OPS	640	640
GRAND FORKS AFB		
ADD/ALTER PHYSICAL FITNESS CENTER	4,400	4,400
MINOT AFB		
ADD TO AND ALTER MISSILE MAINTENANCE SHOP	3,950	3,950
ARMY NATIONAL GUARD		
DEVILS LAKE		
MACHINE GUN RANGE (RETS)	1,376	1,376
GRAND FORKS		
ARMORY	---	6,200
OMS	---	3,800
AIR NATIONAL GUARD		
HECTOR FIELD, FARGO		
REPLACE FUEL TANKS	---	1,500
TOTAL, NORTH DAKOTA	10,366	21,866
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
ACQUISITION MANAGEMENT COMPLEX	20,000	20,000
ADD TO AVIONICS RESEARCH LABORATORY	8,300	8,300
TAXIWAY	11,000	11,000
DEFENSE AGENCIES		
COLUMBUS DEFENSE CONSTRUCTION SUPPLY CENTER		
OPERATIONS CENTER 1/	89,000	89,000
DAYTON DEFENSE ELECTRONICS SUPPLY CENTER		
FIRE AND SECURITY STATION 1/	2,000	2,000
ARMY NATIONAL GUARD		
MCCONNELSVILLE		
ARMORY/TRAINING SITE FACILITIES	---	4,669
TOLEDO		
ARMORY	---	3,183
AIR NATIONAL GUARD		
RICKENBACKER ANGB		
ADD/ALTER MAINTENANCE HANGAR AND SHOP 3/	3,000	---
ADD/ALTER SQUADRON OPERATIONS FACILITY 3/	1,200	---
ALTER FUEL SYS MAINT CORR CONTROL DOCK 3/	800	---
SPRINGFIELD MAP		
ECM PODS MAINTENANCE AND STORAGE	500	500
ARMY RESERVE		
TOLEDO		
ARMY RESERVE CTR/MAINTENANCE FACILITY (PHASE II)	---	2,749
AIR FORCE RESERVE		
YOUNGSTOWN MAP		
ADD/ALTER AVIONICS/MAINTENANCE SHOP	1,450	1,450
TOTAL, OHIO	137,250	142,851
OKLAHOMA		
ARMY		
FORT SILL		
ENERGY MONITORING AND CONTROL SYSTEM	3,350	3,350
NAVY		
TINKER AIR FORCE BASE NAVAL AIR DETACHMENT (TACAMO)		
BACHELOR ENLISTED QUARTERS (INCREMENT II)	4,700	4,700
AIR FORCE		
ALTUS AFB		
C-17 ADD/ALTER APRON/HYDRANT SYSTEM	6,690	6,690
C-17 ADD/ALTER AERIAL PORT TRAINING FACILITY	3,800	3,800
C-17 AIRCRAFT CORROSION CONTROL/MAINT SHOP	13,800	13,800
C-17 ALTER SQUADRON OPERATIONS	850	850
C-17 PARALLEL RUNWAY	30,000	30,000
FUEL SYSTEMS MAINTENANCE DOCK	6,200	6,200
TINKER AFB		
UPGRADE WATER SUPPLY, STORAGE AND DISTRIB SYS 1/	3,700	3,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
VANCE AFB		
ADD/ALTER SPEC UPT SQUADRON OPS FACILITY	550	550
VEHICLE MAINTENANCE COMPLEX	4,200	4,200
DEFENSE AGENCIES		
FORT SILL		
TROOP MEDICAL CLINIC	2,700	2,700
TINKER AFB		
ADD/ALTER HOSPITAL	4,100	4,100
AIR NATIONAL GUARD		
WILL ROGERS WORLD AIRPORT, OKLAHOMA CITY		
APRON ADDITION	---	4,350
VEHICLE MAINTENANCE COMPLEX	3,200	3,200
TULSA IAP		
FUEL CELL/CORROSION FACILITY	---	2,750
AVIONICS/ECM SHOP	---	1,050
ARMY RESERVE		
ENID		
ADD/ALTER USAR CENTER	1,578	1,578
NORMAN		
ADD/ALTER USAR CENTER AND OMS	2,862	2,862
AIR FORCE RESERVE		
TINKER AFB		
ADD/ALTER MEDICAL TRAINING AREAS	500	500
TOTAL, OKLAHOMA	92,780	100,930
OREGON		
ARMY		
UMATILLA ARMY DEPOT		
AMMUNITION DEMILITARIZATION SUPPORT FACILITIES	3,600	3,600
AMMUNITION DEMILITARIZATION UTILITIES	7,500	7,500
ARMY NATIONAL GUARD		
CAMP RILEA		
BATTALION HEADQUARTERS BUILDING	---	665
TRAINING SITE BOQ/BEQ	---	997
FOREST GROVE		
ARMORY	---	2,591
BEND		
ARMORY/RESERVE CENTER	---	2,711
AIR NATIONAL GUARD		
PORTLAND IAP		
JET FUEL STORAGE COMPLEX	3,600	3,600
AIR FORCE RESERVE		
PORTLAND IAP		
JET FUEL STORAGE COMPLEX	1,100	1,100
TOTAL, OREGON	15,800	22,764
PENNSYLVANIA		
ARMY		
LETTERKENNY ARMY DEPOT		
AMMUNITION TRUCK BLOCKING/LOADING CENTER 1/	3,150	3,150
TOBYHANNA ARMY DEPOT		
HAZARDOUS MATERIAL STORAGE FACILITY	---	1,900
TACTICAL COMPONENT REBUILD FACILITY 1/	8,200	8,200
NAVY		
PHILADELPHIA NAV INACTIVE SHIP MAINT FAC		
OBSTRUCTION REMOVAL AND ELECTRICAL POWER	4,000	4,000
DEFENSE AGENCIES		
CARLISLE BARRACKS		
ADD/ALTER DENTAL CLINIC	510	510
ARMY NATIONAL GUARD		
EVERETT		
ARMORY	---	1,750
FORT INDIANTOWN GAP		
MAINTENANCE SHOP	---	2,790
FORT MIFFLIN, PHILADELPHIA		
ORGANIZATIONAL MAINTENANCE SHOP	---	370
AIR NATIONAL GUARD		
GREATER PITTSBURGH IAP		
AIRCRAFT PARKING APRON	11,200	11,200
ALTER AIRCRAFT HANGAR	1,000	1,000
ADD/ALTER ENGINE SHOP	450	660
ADD/ALTER SQUADRON OPERATIONS FACILITY	---	1,950
ARMY RESERVE		
JOHNSTOWN		
JOINT AVIATION FACILITY	---	30,224

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NEW CUMBERLAND		
USAR CENTER/ORG MAINTENANCE SHOP	3,910	3,910
NAVY RESERVE		
NMCRC PHILADELPHIA		
RESERVE CENTER REHABILITATION	3,400	3,400
TOTAL, PENNSYLVANIA	35,820	75,014
RHODE ISLAND		
NAVY		
NEWPORT NAVAL EDUCATION AND TRAINING CENTER		
AIR CONDITIONING SYSTEM	---	710
FUEL TANKS	---	2,000
CHILD CARE/PASSIVE RECREATION CENTER	---	500
DEFENSE AGENCIES		
NEWPORT NAVAL EDUCATION AND TRAINING CENTER		
AMBULATORY CARE CENTER	---	14,000
ARMY NATIONAL GUARD		
CAMP FOGARTY		
ARMORY	---	5,151
CAMP VARNUM		
SEWER AND WATER SYSTEM	---	578
TOTAL, RHODE ISLAND	---	22,939
SOUTH CAROLINA		
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
AIR TRAFFIC CONTROL TOWER	2,250	2,250
CHARLESTON FLEET AND MINE WARFARE TRNG CTR		
FIRE FIGHTING TRAINER FACILITY	14,620	14,620
CHARLESTON NAVAL WEAPONS STATION		
HIGH EXPLOSIVE MAGAZINE 1/	1,100	1,100
TOMAHAWK MISSILE MAGAZINE 1/	2,150	2,150
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT		
COMBAT TRAINING FACILITY	5,100	5,100
AIR FORCE		
CHARLESTON AFB		
C-17 ADD/ALTER APRON/HYDRANT SYSTEM	19,000	19,000
C-17 FIRE/CRASH RESCUE STATION	2,850	2,850
DEFENSE AGENCIES		
BEAUFORT MARINE CORPS AIR STATION		
ELEMENTARY SCHOOL ADDITION	---	989
ARMY NATIONAL GUARD		
MANNING		
ARMORY	---	1,500
LEESBURG		
MAINTENANCE SHOP	---	2,200
SEWER SYSTEM	---	1,200
AIR NATIONAL GUARD		
MCENTIRE		
CONNECTION TO CITY WATER	520	520
ARMY RESERVE		
FORT JACKSON		
ADD/ALTER USAR CENTER AND OMS	6,122	6,122
TOTAL, SOUTH CAROLINA	53,712	65,330
SOUTH DAKOTA		
AIR FORCE		
BELLE FOURCHE STRS		
ADD/ALTER STRAT TRNG RANGE TECHNICAL OPS	640	640
ELLSWORTH AFB		
ALERT TAXIWAY BARRIER	670	670
UPGRADE WEAPONS STORAGE AREA LIGHTING	1,250	1,250
WATER STORAGE TANK	790	790
ARMY NATIONAL GUARD		
DESMET		
ARMORY (60 PERSONS)	939	939
FORT MEADE		
TRAINING SITE BOQ/BEQ	638	638
AIR NATIONAL GUARD		
JOE FOSS FIELD, SIOUX FALLS		
ADD/ALTER AVIONICS SHOPS/HANGAR SHOP	850	850

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ADD/ALTER ENGINE AND NON-DESTRUC INSP SHOPS	450	450
ADD/ALTER BCE MAINTENANCE SHOP	300	300
COMPOSITE SUPPORT FACILITY	2,600	2,600
TOTAL, SOUTH DAKOTA	9,127	9,127
TENNESSEE		
AIR FORCE		
ARNOLD ENGINEERING DEVELOPMENT CENTER		
ADD TO AND ALTER FUEL SYSTEMS	2,400	2,400
LARGE ROCKET TEST FACILITY (J-6)	80,000	80,000
DEFENSE AGENCIES		
ARNOLD ENGINEERING DEVELOPMENT CENTER		
DECADE X-RAY SIMULATOR	7,000	7,000
ARMY NATIONAL GUARD		
COVINGTON		
ARMORY	---	1,237
ERWIN		
ARMORY	---	1,094
UNION CITY		
ARMORY	---	1,659
FAYETTEVILLE		
ARMORY	---	892
LIVINGSTON		
ARMORY	---	1,161
AIR NATIONAL GUARD		
MEMPHIS IAP		
COMPOSITE AVIONICS/NON-DESTRUC INSP FACILITY	1,650	1,650
FUEL SYSTEMS MAINTENANCE/CORROSION CONTROL	4,700	4,700
POWER CHECK PAD	---	800
AERIAL PORT TRAINING FACILITY	---	1,650
FIRE STATION	---	1,300
ARMY RESERVE		
JACKSON		
JOINT TRAINING FACILITY	---	1,537
NAVY RESERVE		
NAS MEMPHIS		
MAINTENANCE HANGER	---	10,900
LOGISTIC SUPPORT FACILITY	2,000	2,000
TOTAL, TENNESSEE	97,750	119,980
TEXAS		
ARMY		
CORPUS CHRISTI ARMY DEPOT		
ENGINEER ANALYSIS FACILITY	3,400	3,400
FORT BLISS		
BARRACKS MODERNIZATION	---	11,600
BARRACKS MODERNIZATION	---	10,600
REPROGRAMMING ALLOWANCE	---	5,000
FORT HOOD		
AUTOMATED RECORD FIRE RANGE	1,500	1,500
BARRACKS MODERNIZATION	15,000	15,000
BARRACKS MODERNIZATION	---	15,200
CONSOLIDATED MAINTENANCE FACILITY (PHASE III)	15,000	15,000
FORT SAM HOUSTON		
MEDICAL SYSTEMS EQUIPMENT TRAINING COMPLEX	3,750	3,750
WATER DISTRIBUTION SYSTEM	600	600
RED RIVER ARMY DEPOT		
GENERAL PURPOSE WAREHOUSE 1/	1,100	1,100
HYDRAULIC SHOP ALTERATIONS 1/	920	920
NAVY		
KINGSVILLE NAVAL AIR STATION		
ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS	1,500	1,500
AIR FORCE		
DYESS AFB		
ALTER FUEL SYSTEMS MAINTENANCE HANGAR	620	620
KELLY AFB		
ALTER DORMITORIES	3,900	3,900
ALTER WEAPON SYSTEMS SUPPORT CENTER (PHASE I) 1/	10,000	10,000
LACKLAND AFB		
ALTER RECRUIT DORMITORY	2,000	2,000
CONSOLIDATED BMTS HQTRS AND ACADEMIC FACILITY	3,700	3,700
LACKLAND TRAINING ANNEX		
MOBILITY STORAGE/TRAINING	1,170	1,170
LAUGHLIN AFB		
ADD/ALTER SPECIALIZED UPT SQUADRON OPS FACILITY	1,450	1,450
MISSION SUPPORT COMPLEX	2,800	2,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
RANDOLPH AFB		
ALTER SPECIALIZED UPT SUPPORT FACILITY	410	410
REESE AFB		
ADD/ALTER LIFE SUPPORT EQUIPMENT FACILITY	1,000	1,000
ADD/ALTER SPECIALIZED UPT SUPPORT FACILITY	1,000	1,000
SHEPPARD AFB		
ADD TO AND ALTER MEDICAL TRAINING COMPLEX	7,900	7,900
ALTER FLIGHT TRAINING FACILITY	420	420
REGIONAL WASTEWATER CONNECTION	1,500	1,500
RUNWAY/LAND ACQUISITION	6,850	6,850
DEFENSE AGENCIES		
DALLAS NAVAL AIR STATION		
MEDICAL/DENTAL CLINIC REPLACEMENT	3,500	3,500
FORT SAM HOUSTON		
HOSPITAL REPLACEMENT (PHASE V)	37,000	37,000
RED RIVER ARMY DEPOT		
CENTRAL DISTRIBUTION CENTER (PHASE III)	---	39,000
ARMY NATIONAL GUARD		
CAMP MABRY		
COMBINED SUPPORT MAINTENANCE SHOP	---	5,992
CAMP SWIFT		
ARMORY	---	1,643
TRAINING SITE FACILITIES	---	5,138
KINGSVILLE		
ARMORY	---	399
LONGVIEW		
ARMORY EXPANSION	---	399
NEW BOSTON		
ARMORY	---	1,994
REDBIRD		
ORGANIZATIONAL MAINTENANCE SHOP	---	702
VICTORIA		
ADD/ALTER ARMORY	---	399
WEATHERFORD		
ARMORY	---	399
AIR NATIONAL GUARD		
CAMP MABRY		
HEADQUARTERS BUILDING	---	770
ARMY RESERVE		
CONROE		
ADD/ALTER USARC/AVIATION SUPPORT FACILITY/OMS	9,855	11,359
TOTAL, TEXAS	137,845	238,584
UTAH		
ARMY		
DUGWAY PROVING GROUND		
PHYSICAL FITNESS TRAINING CENTER	4,000	4,000
TOOELE ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)	14,700	14,700
AIR FORCE		
HILL AFB		
DEPOT PRODUCTION SUPPORT FACILITY 1/	4,050	4,050
WEAPONS AND RELEASE SYSTEMS SHOP 1/	2,700	2,700
MISSILE MAINTENANCE SHOP	---	2,450
ARMY NATIONAL GUARD		
UTAH COUNTY		
ARMORY	---	2,860
OMS	---	996
TOTAL, UTAH	25,450	31,756
VERMONT		
ARMY NATIONAL GUARD		
WESTMINSTER (SPRINGFIELD)		
OMS	749	749
AIR NATIONAL GUARD		
BURLINGTON IAP		
ALTER WEAPON RELEASE SHOP	400	400
CIVIL ENGINEERING SHOP	---	1,850
TOTAL, VERMONT	1,149	2,999
VIRGINIA		
ARMY		
FORT A P HILL		
SHOWER AND LATRINE FACILITIES	6,100	6,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT BELVOIR		
PHYSICAL FITNESS TRAINING CENTER	3,750	3,750
ROAD IMPROVEMENTS	2,200	2,200
FORT EUSTIS		
AVIATION UNIT MAINTENANCE HANGAR	6,600	6,600
MODIFIED RECORD FIRE RANGE	1,900	1,900
FORT LEE		
BARRACKS	6,700	6,700
FINANCE/ACCOUNTING OFFICE	---	4,650
NCO TRAINING FACILITY	---	5,800
FORT MYER		
PHYSICAL FITNESS TRAINING CENTER	5,000	5,000
VEHICLE STORAGE	550	550
FORT PICKETT		
UPGRADE FUEL STORAGE FACILITIES	2,800	2,800
FORT STORY		
CHILD DEVELOPMENT CENTER	900	900
VINT HILL FARMS STATION		
BARRACKS WITH DINING FACILITY	1,700	1,700
GENERAL PURPOSE WAREHOUSE	1,850	1,850
NAVY		
CHESAPEAKE NAVAL SECURITY GROUP ACT NW		
BEQ AND MESS HALL ADDITION	8,100	8,100
COMMUNICATION/SECURE MATERIAL ISSUING OFF ADDITION	1,400	1,400
ELECTRICAL DISTRIBUTION SYSTEM UPGRADE	4,300	4,300
DAHLGREN NAVAL SURFACE WARFARE CENTER		
ELECTRONIC SYSTEMS LABORATORY 1/	8,100	8,100
FLEET REQUIREMENTS SUPPORT 1/	10,180	10,180
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
LANDING CRAFT AIR CUSHION COMPLEX (INCREMENT III)	10,500	10,500
SURFACE WARFARE DEVELOPMENT GRP OPS FACILITY	2,230	2,230
NORFOLK NAVAL AIR STATION		
AIRCRAFT MAINTENANCE HANGAR	8,270	8,270
ALERT FORCE FACILITY	1,100	1,100
NORFOLK NAVAL COMM AREA MASTER STA LANT		
SATELLITE TERMINAL & COMM CENTER ADDITIONS	6,550	6,550
NORFOLK NAVAL STATION		
FIRE ALARM SYSTEM IMPROVEMENTS	340	340
NORFOLK NAVAL SUPPLY CENTER		
ADMINISTRATIVE OFFICE 1/	1,250	1,250
NORFOLK NAVY PUBLIC WORKS CENTER		
ELECTRICAL DISTRIBUTION LINES 1/	3,150	3,150
STEAM DISTRIBUTION SYSTEM IMPROVEMENTS 1/	4,150	4,150
NORFOLK OCEANOGRAPHIC SYSTEM ATLANTIC		
SURTASS SUPPORT CENTER	3,250	3,250
OCEANA NAVAL AIR STATION		
OPERATIONAL FLIGHT TRAINER BUILDING ADDITION	2,020	2,020
SQUADRON TRAINING BUILDING ADDITION	5,250	5,250
PORTSMOUTH NAVAL HOSPITAL		
BACHELOR ENLISTED QUARTERS	6,600	6,600
PORTSMOUTH SHORE INTERMEDIATE MAINT ACT		
SHORE INTERMEDIATE MAINTENANCE FACILITY	14,000	14,000
YORKTOWN NAVAL WEAPONS STATION		
TOMAHAWK MISSILE MAGAZINES 1/	4,650	4,650
AIR FORCE		
LANGLEY AFB		
ELECTRIC SUBSTATION	4,500	4,500
MILSTAR GROUND COMMUNICATIONS TERMINAL	1,300	1,300
DEFENSE AGENCIES		
FORT A. P. HILL		
SOF NAVAL SPECIAL WARFARE TNG FACILITY	2,300	2,300
DEREY BUILDING RESTON		
EMERGENCY GENERATOR SUPPORT	600	600
FORT LEE		
HOSPITAL MODERNIZATION	---	11,800
LANGLEY AFB		
ALTER OB WARD	1,150	1,150
NORFOLK DEFENSE FUEL SUPPORT POINT		
FUEL TANKAGE 1/	19,800	19,800
OCEANA NAVAL AIR STATION		
SOF BOAT LAUNCH FACILITY	2,350	2,350
PENTAGON BUILDING COMPLEX		
PENTAGON CLASSIFIED WASTE INCINERATOR	4,700	---
PENTAGON HEATING AND REFRIGERATION PLANT	75,400	---
PORTSMOUTH NAVAL HOSPITAL		
HOSPITAL REPLACEMENT (PHASE III)	40,000	40,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
RICHARD E BYRD IAP, SANDSTON		
EXTEND AIRCRAFT PARKING APRON	400	400
ARMY RESERVE		
FORT PICKETT		
STORAGE FACILITY	752	752
TOTAL, VIRGINIA	298,692	240,842
WASHINGTON		
ARMY		
FORT LEWIS		
EDUCATION DEVELOPMENT CENTER	---	7,900
HOT REFUELING POINT	1,050	1,050
LAND ACQUISITION FOR YAKIMA FIRING CENTER	19,000	18,000
OPERATIONS FACILITY	2,600	2,600
TACTICAL EQUIPMENT SHOP	16,200	16,200
WATER TREATMENT PLANT UPGRADE	3,250	3,250
NAVY		
BANGOR COMMANDER SUBMARINE GROUP 9		
SATELLITE TERMINAL ADDITION	2,050	2,050
BANGOR TRIDENT REFIT FACILITY		
DATA PROCESSING CENTER ADDITION	2,170	2,170
BREMERTON PUGET SOUND NAVAL SUPPLY CENTER		
HAZARDOUS AND FLAMMABLE STOREHOUSE 1/	12,550	12,550
BREMERTON PUGET SOUND NAVAL SHIPYARD		
INACTIVE SUBMARINE MOORING FACILITY 1/	3,300	3,300
INDUSTRIAL SUPPORT COMPLEX (PHASE II) 1/	23,500	23,500
MOORING PLATFORM 1/	1,200	1,200
PIER UPGRADE 1/	11,700	11,700
EVERETT NAVAL STATION		
ADMINISTRATION FACILITY	4,500	4,500
MESS HALL	2,400	2,400
UTILITIES AND SITE IMPROVEMENTS	14,890	14,890
WHIDBEY ISLAND NAVAL AIR STATION		
FLEET AREA CONTROL AND SURVEILLANCE FACILITY	6,800	6,800
AIR FORCE		
FAIRCHILD AFB		
CHILD CARE CENTER	---	4,550
CRUISE MISSILE FUEL STORAGE TANK ADDITION	300	300
PARACHUTE TRAINING FACILITY	2,200	2,200
AIR NATIONAL GUARD		
FAIRCHILD AFB		
FIRE SUPPRESSION SYSTEM	1,800	1,800
AIR FORCE RESERVE		
MCCHORD AFB		
MEDICAL TRAINING/ADMIN FACILITY	600	600
TOTAL, WASHINGTON	132,060	143,510
WEST VIRGINIA		
NAVY		
GREEN BANK		
ALTER OPERATIONS CENTER	---	5,400
ARMY NATIONAL GUARD		
HUNTINGTON		
GUARD/RESERVE CENTER (JOINT W/ARMY RES)	---	2,983
AIR NATIONAL GUARD		
E WV REGIONAL APT (MARTINSBURG)		
ADD/ALTER MEDICAL TRAINING FACILITY	550	550
VEHICLE MAINTENANCE COMPLEX	---	1,700
SMALL ARMS RANGE	---	750
FIRE STATION	---	1,100
YEAGER AIRPORT (CHARLESTON)		
SECURITY POLICE OPERATIONS	---	650
ARMY RESERVE		
HUNTINGTON		
GUARD/RESERVE CENTER (JOINT W/ARMY NG)	---	6,617
NAVY RESERVE		
MARTINSBURG		
C-130 SUPPORT FACILITIES	---	25,100
TOTAL, WEST VIRGINIA	550	44,850

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
WISCONSIN		
ARMY		
FORT MCCOY		
CONSOLIDATED MAINTENANCE FACILITY	18,500	18,500
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
TRAINING SITE WASTE TREATMENT PLANT (W/AIR NG)	400	400
FORT MCCOY		
MOBILIZATION AND TRAINING EQUIPMENT SITE	---	8,941
MOTOR VEHICLE STORAGE BUILDING	---	493
SUSSEX		
AIR NATIONAL GUARD		
TRUAX FIELD, MADISON		
POWER CHECK PAD W/SOUND SUPPRESSOR	---	1,000
AVIONICS AND ECM POD SHOP	---	1,500
AIRCRAFT ARRESTING SYSTEM	---	1,200
VOLK FIELD ANGB		
UPGRADE SEWAGE PLANT (W/ARMY NG)	1,250	1,250
ARMY RESERVE		
STURTEVANT		
RESERVE CENTER ROADS, HOLDING POND	---	750
USAR CTR/ORGANIZATIONAL MAINTENANCE SHOP	4,755	4,755
TOTAL, WISCONSIN	24,905	38,789
WYOMING		
AIR FORCE		
FE WARREN AFB		
TRANSPORTATION COMPLEX (PHASE II)	5,300	5,300
POWELL STRS		
ADD/ALTER STRAT TRAINING RANGE TECH OPS FACILITY	700	700
AIR NATIONAL GUARD		
CHEYENNE MAP		
JET FUEL STORAGE COMPLEX	3,100	3,100
AVIONICS MAINTENANCE SHOP	---	2,200
CORROSION CONTROL FACILITY	---	3,500
REPLACE FUEL STORAGE TANKS	---	700
TOTAL, WYOMING	9,100	15,500
CONUS CLASSIFIED		
ARMY		
CLASSIFIED LOCATIONS		
CLASSIFIED PROJECTS	3,000	3,000
DEFENSE AGENCIES		
CLASSIFIED LOCATION		
WHCA COMMUNICATIONS AND OPERATIONS CENTER	4,500	4,500
CLASSIFIED LOCATION		
TECHNICAL LOAD GENERATOR PLANT	23,900	23,900
TOTAL, CONUS CLASSIFIED	31,400	31,400
CONUS VARIOUS		
ARMY		
CONUS VARIOUS		
ACCESS ROADS - VARIOUS LOCATIONS	7,200	7,200
AIR FORCE		
CONUS VARIOUS		
MINUTEMAN-STORAGE FACILITIES	5,000	5,000
TOTAL, CONUS VARIOUS	12,200	12,200
ASCENSION ISLAND		
AIR FORCE		
ASCENSION ISLAND		
CONSOLIDATED INSTRUMENTATION FACILITY	11,000	11,000
BAHRAIN ISLAND		
NAVY		
ADMINISTRATIVE SUPPORT UNIT		
COMMUNICATION BUILDING ADDITION	1,300	1,300
CANADA		
AIR FORCE		
VARIOUS LOCATIONS-CANADA		
FORWARD OP LOCATIONS/DISPERSED OP BASES	20,700	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DIEGO GARCIA		
DEFENSE AGENCIES		
DIEGO GARCIA DEFENSE FUEL SUPPORT POINT		
FUEL TANKAGE 1/	16,100	16,100
GERMANY		
ARMY		
FEUCHT		
TEMPORARY AVIATION UNIT MAINT HANGAR	590	---
HOHENFELS TNG AREA		
ROCK CRUSHER PLANT	960	---
AIR FORCE		
RAMSTEIN AB		
ADD/ALTER VEHICLE MAINTENANCE FACILITY	3,500	---
TOTAL, GERMANY	5,050	---
GREENLAND		
AIR FORCE		
THULE AB		
UPGRADE AIRFIELD PAVEMENTS (PHASE II)	12,700	12,700
GUAM		
NAVY		
NAVAL COMM AREA MASTER STATION WESTPAC		
CLASSIC WIZARD UPGRADE	900	900
FIRE PROTECTION SYSTEM	1,100	1,100
NAVY PUBLIC WORKS CENTER		
OIL SPILL PREVENTION 1/	670	670
AIR FORCE		
ANDERSEN AFB		
ADD/ALTER CHILD DEVELOPMENT CENTER	2,600	2,600
TOTAL, GUAM	5,270	5,270
GUANTANAMO BAY, CUBA		
NAVY		
NAVAL STATION		
WATERFRONT OPERATIONS BUILDING	2,750	---
ICELAND		
NAVY		
KEFLAVIK NAVAL AIR STATION		
FUEL FACILITIES (PHASE VII) 1/	9,300	9,300
KEFLAVIK NAVAL COMMUNICATION STATION		
COMMUNICATION CENTER	10,600	10,600
AIR FORCE		
KEFLAVIK		
HELICOPTER RESCUE RECOVERY HANGAR	10,500	---
TOTAL, ICELAND	30,400	19,900
ITALY		
NAVY		
NAPLES NAVAL SUPPORT ACTIVITY		
AIR CARGO TERMINAL	4,770	---
UTILITIES SYSTEM UPGRADE	6,500	6,500
SICILY NAVAL COMMUNICATION STATION		
SATELLITE TERMINAL	2,750	2,750
SIGONELLA NAVAL AIR STATION		
ENGINE MAINTENANCE SHOP ADDITION	2,300	2,300
OPERATIONS CONTROL CENTER	9,850	9,850
TOTAL, ITALY	26,170	21,400
JOHNSTON ISLAND		
DEFENSE AGENCIES		
DNA HDQTRS FIELD COMMAND		
ALTER POWER PLANT (PHASE II)	5,100	5,100
KOREA		
ARMY		
CAMP CARROLL		
CONSOLIDATED MAINTENANCE FACILITY	5,600	---
CAMP HOVEY		

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TACTICAL EQUIPMENT SHOP	9,100	---
CAMP WALKER		
COMMUNICATIONS CENTER	2,250	---
DEFENSE AGENCIES		
KOREA VARIOUS		
FROZEN BLOOD FACILITY - CAMP HUMPHREYS	2,350	---
TROOP MEDICAL CLINIC - CAMP ESSAYONS	1,050	1,050
TROOP MEDICAL CLINIC - K-16 AIRFIELD	1,450	---
TOTAL, KOREA	21,800	1,050
KWAJALEIN		
ARMY		
KWAJALEIN		
CHAPEL FAMILY LIFE CENTER	2,550	2,550
CHILD DEVELOPMENT CENTER	3,800	3,800
COLD STORAGE WAREHOUSE	10,200	10,200
CONSOLIDATED MAINTENANCE FACILITY	4,950	4,950
CONTROLLED HUMIDITY WAREHOUSE	9,900	9,900
MARINE TERMINAL AND SECURITY UPGRADE	3,400	3,400
POWER PLANT ADDITION	33,000	33,000
UNACCOMPANIED PERSONNEL HOUSING	9,600	9,600
GENERAL REDUCTION	---	-30,000
TOTAL, KWAJALEIN	77,400	47,400
PORTUGAL		
AIR FORCE		
LAJES FIELD		
CONTROL TOWER AND RADAR APPROACH CONTROL	5,000	5,000
PUERTO RICO		
NAVY		
ROOSEVELT ROADS NAVAL STATION		
CHILD DEVELOPMENT CENTER	---	2,850
SANITARY WASTEWATER SYSTEM UPGRADE	7,660	7,660
AIR NATIONAL GUARD		
BORINQUEN APT (RAMEY AFB)		
ADD/ALTER COMM ELECTRONICS MAINTENANCE FACILITY	1,800	1,800
COMPOSITE VEHICLE MAINT/SITE PREPARATION	1,800	1,800
PUERTO RICO IAP		
ADD/ALTER ENGINE SHOP	890	890
SITE PREPARATION, ROADS AND UTILITIES	1,500	1,500
ARMY RESERVE		
PUERTO NUEVO		
ADD/ALTER USAR CENTER/OMS	9,699	9,699
NAVY RESERVE		
MCRC ROOSEVELT ROADS		
TRAINING BUILDING	2,800	2,800
TOTAL, PUERTO RICO	26,149	28,999
SCOTLAND		
NAVY		
EDZELL NAVAL SECURITY GROUP ACTIVITY		
CLASSIC WIZARD FACILITIES UPGRADE	1,400	1,400
UNITED KINGDOM		
NAVY		
LONDON NAVAL COMMUNICATION UNIT		
SATELLITE TERMINAL	1,800	1,800
AIR FORCE		
RAF LAKENHEATH		
DEDICATED AIRCRAFT SUPPORT SYS (DASS) FACILITY	700	---
F-15E FUEL FACILITY	2,900	3,600
RAF MOLESWORTH		
JOINT ANALYSIS CENTER	15,600	15,600
TOTAL, UNITED KINGDOM	21,000	21,000
OVERSEAS CLASSIFIED		
NAVY		
OVERSEAS CLASSIFIED		
SATELLITE TERMINAL	8,770	8,770
AIR FORCE		
OVERSEAS CLASSIFIED		
MILSTAR GROUND COMMUNICATIONS TERMINAL	5,500	5,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE AGENCIES		
OVERSEAS CLASSIFIED		
RAPID DEPLOYMENT MEDICAL FACILITY WAREHOUSE	10,400	---
OVERSEAS CLASSIFIED		
ESSENTIAL MESS UPGRADE	625	625
UNACCOMPANIED PERSONNEL HOUSING	2,935	2,935
UPGRADE SEWAGE TREATMENT PLANT	930	930
OVERSEAS CLASSIFIED		
WAREHOUSE	2,100	2,100
TOTAL, OVERSEAS CLASSIFIED	31,260	20,860
NATO		
NATO INFRASTRUCTURE	358,800	225,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT - EUROPE AND PACIFIC	25,000	25,000
PLANNING AND DESIGN	89,600	88,000
UNSPECIFIED MINOR CONSTRUCTION	11,000	11,000
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-11,950
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
ACCESS ROADS	1,000	1,000
PLANNING AND DESIGN	77,200	76,000
UNSPECIFIED MINOR CONSTRUCTION	12,400	12,400
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-37,850
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN 4/	70,900	69,900
UNSPECIFIED MINOR CONSTRUCTION	11,500	11,500
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-72,366
DEFENSE AGENCIES		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION	15,000	19,000
ENERGY CONSERVATION IMPROVEMENT PROGRAM	30,000	36,000
PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND	1,700	4,000
WASHINGTON HEADQUARTERS SERVICES	10,000	---
DEFENSE MEDICAL SUPPORT ACTIVITY	38,100	43,700
STRATEGIC DEFENSE INITIATIVE ORGANIZATION	8,100	5,100
DEFENSE LEVEL ACTIVITIES	21,800	21,800
SUBTOTAL, PLANNING AND DESIGN	79,700	74,600
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-11,600
UNSPECIFIED MINOR CONSTRUCTION		
DOD DEPENDENT SCHOOLS	3,000	3,000
DEFENSE MEDICAL SUPPORT ACTIVITY	2,500	2,500
DEFENSE LEVEL ACTIVITIES	2,000	2,000
JOINT CHIEFS OF STAFF	6,500	6,500
ON-SITE INSPECTION AGENCY	2,000	2,000
SPECIAL OPERATIONS COMMAND	---	5,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	16,000	21,000
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,300	12,300
UNSPECIFIED MINOR CONSTRUCTION	5,100	7,500
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	15,200	20,200
UNSPECIFIED MINOR CONSTRUCTION	3,800	5,000
REPROGRAMMING ALLOWANCE	---	306
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-3,400
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	5,400	8,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
UNSPECIFIED MINOR CONSTRUCTION	500	2,000
REPROGRAMMING ALLOWANCE	---	1,382
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,500	5,000
UNSPECIFIED MINOR CONSTRUCTION	1,000	1,500
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	4,800	4,800
UNSPECIFIED MINOR CONSTRUCTION	2,200	2,200
GENERAL REDUCTION, PRIOR YEAR PROJECTS NO LONGER REQUIRED DUE TO BASE CLOSURES	---	-11,100
TOTAL, WORLDWIDE UNSPECIFIED	482,100	367,822
WORLDWIDE VARIOUS		
ARMY		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1990	---	-39,000
NAVY		
VARIOUS LOCATIONS		
LAND ACQUISITION	45,900	45,900
HOST NATION INFRASTRUCTURE SUPPORT	2,000	2,000
RESCISSION, FISCAL YEAR 1989	---	-10,972
RESCISSION, FISCAL YEAR 1991	---	-45,420
AIR FORCE		
VARIOUS LOCATIONS		
RESCISSION, FISCAL YEAR 1989	---	-16,900
RESCISSION, FISCAL YEAR 1990	---	-63,900
RESCISSION, FISCAL YEAR 1991	---	-13,600
DEFENSE AGENCIES		
VARIOUS LOCATIONS		
CONFORMING STORAGE FACILITIES 1/	7,000	7,000
ARMY NATIONAL GUARD		
VARIOUS LOCATIONS		
ARMORY UNIT STORAGE BLDG	983	983
TOTAL, WORLDWIDE VARIOUS	55,883	-133,909
FAMILY HOUSING, ARMY		
CALIFORNIA		
FORT HUNTER LIGGETT (154 UNITS)	22,000	22,000
FORT IRWIN (172 UNITS)	18,000	18,000
FORT CARSON (1 UNIT)	150	150
GEORGIA		
CAMP MERRILL (40 UNITS)	---	4,550
FORT STEWART (1 UNIT)	190	190
HAWAII		
VARIOUS OAHU (140 UNITS)	16,500	16,500
VARIOUS OAHU (220 UNITS)	---	25,000
MISSOURI		
FORT LEONARD WOOD (2 UNITS)	360	360
VIRGINIA		
FORT LEE (1 UNIT)	---	270
CONSTRUCTION IMPROVEMENTS	74,980	74,980
PLANNING	5,220	5,220
SUBTOTAL, CONSTRUCTION	137,400	167,220
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	81,072	78,072
MANAGEMENT ACCOUNT	95,106	93,106
MISCELLANEOUS ACCOUNT	1,988	1,988
SERVICES ACCOUNT	69,092	69,092
UTILITIES ACCOUNT	321,602	319,602
LEASING	360,783	360,783
MAINTENANCE OF REAL PROPERTY	467,207	467,207
INTEREST PAYMENTS	50	50
SUBTOTAL, OPERATION AND MAINTENANCE	1,396,900	1,389,900
PLUS APPROPRIATION FOR DEBT REDUCTION	125	125
TOTAL, FAMILY HOUSING, ARMY	1,534,425	1,557,245

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY		
CALIFORNIA		
LEMOORE NAVAL AIR STATION (COMMUNITY CENTER)	1,070	1,070
MARINE CORPS BASE CAMP PENDLETON (150 UNITS)	16,172	16,172
NAVAL COMPLEX SAN DIEGO (260 UNITS)	29,800	29,800
PORT HUENEME NAVAL CONST BATTALION CT (100 UNITS)	11,160	11,160
DISTRICT OF COLUMBIA		
WASHINGTON COMMANDANT NAVAL DISTRICT (DEMOLITION)	9,910	9,910
FLORIDA		
NAVAL STATION MAYPORT (COMMUNITY CENTER)	710	710
ILLINOIS		
NAS GLENVIEW (200 UNITS)	---	16,000
NEW JERSEY		
LAKEHURST NAVAL AIR ENGINEERING CENTER (OFFICE)	340	340
VIRGINIA		
DAHLGREN NAVAL SURFACE WARFARE CENTER (150 UNITS)	---	13,240
GUANTANAMO BAY, CU		
NAVAL STATION GUANTANAMO BAY (278 UNITS)	38,400	38,400
CONSTRUCTION IMPROVEMENTS	55,438	55,438
PLANNING	6,200	6,200
SUBTOTAL, CONSTRUCTION	169,200	198,440
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	23,705	23,705
MANAGEMENT ACCOUNT	65,147	61,147
MISCELLANEOUS ACCOUNT	990	990
SERVICES ACCOUNT	39,106	39,106
UTILITIES ACCOUNT	196,928	193,928
LEASING	72,900	72,900
MAINTENANCE OF REAL PROPERTY	311,834	311,834
MORTGAGE INSURANCE PREMIUMS	90	90
SUBTOTAL, OPERATION AND MAINTENANCE	710,700	703,700
TOTAL, FAMILY HOUSING, NAVY	879,900	902,140
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
CASTLE AFB (114 UNITS) 3/	10,517	---
EDWARDS AFB (OFFICE)	453	453
FLORIDA		
TYNDALL AFB (MAINTENANCE FACILITY)	410	410
ILLINOIS		
SCOTT AFB (OFFICE)	550	550
KANSAS		
MCCONNELL AFB (TORNADO DAMAGE REPLACEMENT) 4/	10,000	10,000
MARYLAND		
ANDREWS AFB (OFFICE)	571	571
NORTH CAROLINA		
SEYMOUR JOHNSON AFB (OFFICE)	365	365
OKLAHOMA		
TINKER AFB (OFFICE)	370	370
UTAH		
HILL AFB (130 UNITS)	11,628	11,628
CONSTRUCTION IMPROVEMENTS	141,236	141,236
PLANNING 4/	6,500	6,500
SUBTOTAL, CONSTRUCTION	182,600	172,083
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	51,178	51,178
MANAGEMENT ACCOUNT	45,603	44,603
MISCELLANEOUS ACCOUNT	9,597	8,597
SERVICES ACCOUNT	26,201	26,201
UTILITIES ACCOUNT	257,129	254,129
LEASING	140,900	137,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
MAINTENANCE OF REAL PROPERTY 4/	380,512	380,512
MORTGAGE INSURANCE PREMIUMS	80	80
SUBTOTAL, OPERATION AND MAINTENANCE	911,200	903,200
TOTAL, FAMILY HOUSING, AIR FORCE	1,093,800	1,075,283
FAMILY HOUSING, DEFENSE AGENCIES		
OVERSEAS CLASSIFIED		
OVERSEAS CLASSIFIED (1 UNIT)	160	160
CONSTRUCTION IMPROVEMENTS	40	40
SUBTOTAL, CONSTRUCTION	200	200
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT	1,993	1,993
MANAGEMENT ACCOUNT	219	219
MISCELLANEOUS ACCOUNT	27	27
SERVICES ACCOUNT	356	356
UTILITIES ACCOUNT	802	802
LEASING	21,664	21,664
MAINTENANCE OF REAL PROPERTY	939	939
SUBTOTAL, OPERATION AND MAINTENANCE	26,000	26,000
TOTAL, FAMILY HOUSING, DEFENSE AGENCIES	26,200	26,200
HOMEOWNERS ASSISTANCE FUND		
OPERATING EXPENSES	84,000	84,000
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I		
BASE REALIGNMENT AND CLOSURE (P.L. 100-526)	633,600	658,600
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II		
BASE REALIGNMENT AND CLOSURE (P.L. 101-510)	100,000	100,000

1/ FUNDING REQUESTED UNDER THE DEFENSE BUSINESS OPERATIONS FUND
2/ ORIGINALLY REQUESTED AT MIRAMAR NAVAL AIR STATION; SUBSEQUENTLY REVISED TO CAMP PENDLETON
3/ NO LONGER REQUIRED DUE TO BASE CLOSURE
4/ BUDGET REQUEST TO REPAIR OR REPLACE FACILITIES DAMAGED BY A TORNADO AT MCCONNELL AFB, KANSAS ON APRIL 26, 1991 WAS SUBMITTED BY THE PRESIDENT ON JUNE 28, 1991 (H. DOC. 102-107) AS FOLLOWS:

MILITARY CONSTRUCTION	
SEVEN PROJECTS	$39,780,000
PLANNING AND DESIGN	3,200,000
FAMILY HOUSING	
CONSTRUCTION	10,000,000
MAINTENANCE	1,800,000
PLANNING AND DESIGN	500,000
TOTAL	$55,280,000

BILL HEFNER,
BILL ALEXANDER,
LINDSAY THOMAS,
RONALD D. COLEMAN,
TOM BEVILL,
CHARLIE WILSON,
NORMAN D. DICKS,
VIC FAZIO,
JAMIE L. WHITTEN,
BILL LOWERY,
MICKEY EDWARDS,
TOM DELAY,
JIM LIGHTFOOT,
JOE MCDADE.
Managers on the Part of the House.

JIM SASSER,
DANIEL K. INOUYE,
HARRY REID,
WYCHE FOWLER,
ROBERT C. BYRD,
PHIL GRAMM,
JAKE GARN,
TED STEVENS,
MARK O. HATFIELD.
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 1415

Mr. BERMAN submitted the following conference report and statement on the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes:

CONFERENCE REPORT (H. Rept. 102-238)

The committee of conference on the disagreeing votes of two Houses on the amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, 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 House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1992 and 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENT OF STATE

Part A—Authorization of Appropriations

Sec. 101. Administration of foreign affairs.
Sec. 102. International organizations and conferences.
Sec. 103. International commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.

Part B—Department of State Authorities and Activities

Sec. 111. Technical amendment.
Sec. 112. Consular and diplomatic posts abroad.
Sec. 113. Denial of passports.
Sec. 114. Emergencies in the diplomatic and consular service.
Sec. 115. Lease authority.
Sec. 116. Multiyear contracting for Moscow.
Sec. 117. Transfers and reprogrammings.
Sec. 118. Administrative services.
Sec. 119. International meetings.
Sec. 120. Availability of funds.
Sec. 121. Childcare facilities at certain posts abroad.
Sec. 122. Assistant Secretary of State for South Asian Affairs.
Sec. 123. Fees received for use of Blair House.
Sec. 124. Foreign Service Institute facilities.
Sec. 125. Maintenance management of overseas property.
Sec. 126. Defense trade controls registration fees.
Sec. 127. Denial of certain visas.
Sec. 128. Visa lookout systems.
Sec. 129. Prohibition on issuance of Israel-only passports.

Part C—Diplomatic Reciprocity and Security

Sec. 131. Diplomatic construction program.
Sec. 132. Construction of diplomatic facilities.
Sec. 133. Possible Moscow embassy security breach.
Sec. 134. Special agents.
Sec. 135. Protection for United Nations facilities and missions.
Sec. 136. Study of construction security needs.

Part D—Personnel

Sec. 141. Ambassadorial appointments.
Sec. 142. Chief of mission salary.
Sec. 143. Authority of Secretary to suspend employees convicted of crimes.
Sec. 144. Commissary access.
Sec. 145. Storage of personal effects.
Sec. 146. Transportation of remains.
Sec. 147. Amendments to title 5.
Sec. 148. Voluntary leave bank program.
Sec. 149. Reassignment and retirement of presidential appointees.
Sec. 150. Commission to study personnel questions at the Department of State.
Sec. 151. Foreign national employees separation pay.
Sec. 152. Local compensation plans for United States citizens residing abroad.
Sec. 153. Grievances based on alleged discrimination.
Sec. 154. Compensation for loss of personal property incident to service.
Sec. 155. Language training in the foreign service.

Part E—International Organizations

Sec. 161. Material donations to United Nations peacekeeping operations.
Sec. 162. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 163. Report to Congress concerning United Nations secondment.
Sec. 164. Permanent International Association of Road Congresses.
Sec. 165. International Boundary and Water Commission.
Sec. 166. International Fisheries Commissions advance payments.
Sec. 167. Japan-United States Friendship Commission.
Sec. 168. British-American Interparliamentary Group.
Sec. 169. United States delegation to the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (CSCE).
Sec. 170. Report concerning the United Nations Educational, Scientific and Cultural Organization.
Sec. 171. Report of Commission on Security and Cooperation in Europe.
Sec. 172. Intergovernmental negotiating committee for a framework convention on climate change report.
Sec. 173. Inter-American Foundation.
Sec. 174. Housing benefits of the United States mission to the United Nations.
Sec. 175. Enhanced support for United Nations peacekeeping.
Sec. 176. Special purpose international organizations.
Sec. 177. Great Lakes Fishery Commission.
Sec. 178. Inter-American organizations.
Sec. 179. International Coffee Organization.
Sec. 180. Appointment of special coordinator for water policy negotiations and water resources policy.
Sec. 181. Employment of U.S. citizens by international organizations.

Part F—Miscellaneous Provisions

Sec. 191. Travel advisory for Jalisco, Mexico.
Sec. 192. Implementation of the Nairobi forward-looking strategies for the advancement of women.
Sec. 193. Study of technical security and counterintelligence capabilities.
Sec. 194. Study of sexual harassment at the Department of State.
Sec. 195. Prohibition against fraudulent use of "Made in America" labels.
Sec. 196. Deadline for responses to questions from congressional committees.
Sec. 197. International credit reports.
Sec. 198. Foreign Relations of the United States Historical Series.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Part A—United States Information Agency

Sec. 201. Authorization of appropriations.
Sec. 202. Reprogramming of funds.
Sec. 203. Authority of the Secretary.
Sec. 204. Basic authority.
Sec. 205. Payment of certain expenses for participants.
Sec. 206. USIA posts and personnel overseas.
Sec. 207. Implementation of Beirut agreement.
Sec. 208. Center for cultural and technical interchange between north and south.
Sec. 209. Soviet-Eastern European Research and training.
Sec. 210. Claude and Mildred Pepper Scholarship Program.
Sec. 211. Program review of NED.
Sec. 212. USIA grants.
Sec. 213. Distribution within the United States of United States Information Agency photographic works of Richard Saunders.
Sec. 214. Israeli Arab scholarship program.
Sec. 215. Eligibility of NED for grants.
Sec. 216. Establishment of USIA office in Vientiane, Laos.

Part B—Bureau of Educational and Cultural Affairs

Sec. 221. Authorization of appropriations.
Sec. 222. Fulbright exchange programs enhancement.
Sec. 223. USIA cultural center in Kosovo.
Sec. 224. Conforming amendment on certain USIA scholarships.
Sec. 225. Eastern Europe student exchange endowment fund.
Sec. 226. Enhanced educational exchange programs.
Sec. 227. Law and business training program for graduate students from the Soviet Union, Lithuania, Latvia, and Estonia.
Sec. 228. Near and Middle East research and training.
Sec. 229. Scholarships for Vietnamese.

Part C—Bureau of Broadcasting

Sec. 231. Authorization of appropriations.
Sec. 232. Television Broadcasting to Cuba Act.
Sec. 233. Yugoslavian programming within the Voice of America.
Sec. 234. Voice of America broadcasts in Kurdish.
Sec. 235. Reports on the future of international broadcasting.

Part D—Board for International Broadcasting

Sec. 241. Authorization of appropriations.

Sec. 242. Board for International Broadcasting Act.
Sec. 243. Broadcasting to China.
Sec. 244. Policy on Radio Free Europe.
TITLE III—MISCELLANEOUS FOREIGN POLICY PROVISIONS
Part A—Foreign Policy Provisions
Sec. 301. Persian Gulf war criminals.
Sec. 302. Benefits for United States hostages captured in Lebanon.
Sec. 303. Reports concerning China.
Sec. 304. Report on terrorist assets in the United States.
Part B—Arms Control and Proliferation
Sec. 321. Limitation on rescission of prohibitions applicable to terrorist countries.
Sec. 322. Policy on Middle East arms sales.
Sec. 323. Missile technology.
Sec. 324. Report on Chinese weapons proliferation practices.
Sec. 325. Report on SS-23 missiles.
Part C—Declarations of Congress
Sec. 351. Reciprocal diplomatic status with Mexico.
Sec. 352. United States presence in Lithuania, Latvia, and Estonia.
Sec. 353. Laotian-American relations.
Sec. 354. POW/MIA status.
Sec. 355. China's illegal control of Tibet.
Sec. 356. Release of prisoners held in Iraq.
Sec. 357. Policy toward Hong Kong.
Sec. 358. Policy toward Taiwan.
Sec. 359. Human rights abuses in East Timor.
Sec. 360. Support for new democracies.
Sec. 361. Policy regarding United States assistance to the Soviet Union and Yugoslavia.
Sec. 362. Policy toward the release of political prisoners by South Africa.
Sec. 363. United States tactical nuclear weapons designed for deployment in Europe.
Sec. 364. United States support for UNCED.
TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION
Sec. 401. Findings.
Sec. 402. Multilateral arms transfer and control regime.
Sec. 403. Limitation on United States arms sales to the region.
Sec. 404. Reports to the Congress.
Sec. 405. Relevant congressional committees defined.
TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL
Sec. 501. Short title.
Sec. 502. Purposes.
Sec. 503. Multilateral efforts.
Sec. 504. United States export controls.
Sec. 505. Sanctions against certain foreign persons.
Sec. 506. Determinations regarding use of chemical or biological weapons.
Sec. 507. Sanctions against use of chemical or biological weapons.
Sec. 508. Presidential reporting requirements.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) DIPLOMATIC AND ONGOING OPERATIONS.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law (other than the diplomatic security program):

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $1,725,005,000 for the fiscal year 1992 and $1,822,650,000 for the fiscal year 1993.

(2) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $304,034,000 for the fiscal year 1992 and $300,192,000 for the fiscal year 1993.

(3) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,802,000 for the fiscal year 1992 and $5,000,000 for the fiscal year 1993.

(4) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $7,500,000 for the fiscal year 1992 and $8,000,000 for the fiscal year 1993.

(5) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $23,928,000 for the fiscal year 1992 and $26,650,000 for the fiscal year 1993.

(6) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $13,784,000 for the fiscal year 1992 and $14,500,000 for the fiscal year 1993.

(7) MOSCOW EMBASSY.—For "Acquisition and Maintenance of Buildings Abroad", subject to the provisions of section 132, for construction of a new United States Embassy office building in Moscow, Soviet Union, $130,000,000 for fiscal year 1992 and $130,000,000 for fiscal year 1993. Amounts appropriated under this paragraph are authorized to be available until expended.

(b) DIPLOMATIC SECURITY PROGRAM.—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the fiscal years 1992 and 1993 for the Department of State to carry out the diplomatic security program:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $299,828,000 for the fiscal year 1992 and $315,000,000 for the fiscal year 1993. Of the amounts authorized to be appropriated by this paragraph $4,000,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 for "counterterrorism, research, and development".

(2) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $11,464,000 for the fiscal year 1992 and $16,464,000 for the fiscal year 1993.

(c) LIMITATIONS.—

(1) Of the amount authorized to be appropriated for "Emergencies in the Diplomatic and Consular Service" under subsection (a)(4), not more than $2,000,000 for each of the fiscal years 1992 and 1993 is authorized to be appropriated for activities authorized under subparagraphs (C), (D), (E), (F), (G), (H), and (J) of section 4(b)(2) of the State Department Basic Authorities Act of 1956.

(2) Of the amount authorized to be appropriated for "Salaries and Expenses" under subsection (a)(1)—

(A) $10,000,000 for each of the fiscal years 1992 and 1993 is authorized to be available for the Foreign Service Institute and the Geographic Bureaus for language training programs;

(B) not more than $4,100,000 shall be available for fiscal year 1992, and not more than $5,400,000 shall be available for fiscal year 1993, only for procurement of ADP equipment for the Beltsville Information Management Center;

(C) not more than $750,000 of the amounts appropriated for fiscal year 1992 are authorized to be available until expended to pay shared costs of the Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings and CSCE parliamentary assessments (including shared costs of the CSCE Secretariat) and any shared costs and assessments for CSCE parliamentary activities for fiscal year 1991;

(D) for the fiscal year 1992—

(i) $550,000 is authorized for United States preparations and related travel for the 1992 United Nations Conference on Environment and Development (UNCED), for United States contributions to the Voluntary Fund for UNCED, and for United States contributions to the Trust Fund for Preparatory Activities; and

(ii) up to $25,000 is authorized on a matching grant basis to promote participation in the UNCED and in the UNCED preparatory conferences by nongovernmental organizations; and

(E) $1,500,000 is authorized to be available for fiscal year 1993 for the Department of State to enter into contracts with the International Career Program in order for students from historically-black colleges and universities to enter into programs of recruitment and training for careers in the Foreign Service and in other areas of international affairs.

(3) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(2) not more than $41,500,000 shall be available for fiscal year 1992, and not more than $44,700,000 for fiscal year 1993, for administration.

(4) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(2) and amounts authorized to be appropriated under section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 a total of not more than $55,466,000 is authorized to be appropriated for fiscal year 1992 for capital programs.

(5) Funds authorized to be appropriated by subsection (a)(1) are also authorized to be appropriated under the heading "Repatriation Loans Program Account" for the administrative expenses of such program.

(6) Amounts appropriated for "Acquisition and Maintenance of Buildings Abroad" pursuant to this section, and made available for new posts in Estonia, Latvia, Lithuania, republics in the Soviet Union, and republics which have declared independence from the Soviet Union, shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—(1) There are authorized to be appropriated for "Contributions to International Organizations", $1,120,541,000 for the fiscal year 1992 and $766,681,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated under paragraph (1) for fiscal year 1992, not more than $370,876,000 are authorized to be appropriated to pay arrearages for assessed contributions for prior years, of which not more than $92,719,000 may be made available for obligation or expenditure during each of the fiscal years 1992, 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

(b) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—(1) There are authorized to be appropriated for "Contributions to Inter-

national Peacekeeping Activities", $201,292,000 for the fiscal year 1992 and $72,254,000 for the fiscal year 1993, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated by paragraph (1) for the fiscal year 1992, not more than $132,423,000 are authorized to be appropriated to pay arrearages, of which not more than $38,400,000 may be made available for obligation or expenditure during the fiscal year 1992 and not more than $31,400,000 may be made available for obligation or expenditure for each of the fiscal years 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $5,500,000 for the fiscal year 1992 and $5,775,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" for the fiscal year 1992, $11,400,000 and, for the fiscal year 1993, $12,000,000; and

(B) for "Construction" for the fiscal year 1992, $10,525,000 and, for the fiscal year 1993, $19,925,000.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $768,000 for the fiscal year 1992 and $805,000 for the fiscal year 1993.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,732,000 for the fiscal year 1992 and $3,920,000 for the fiscal year 1993.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,000,000 for the fiscal year 1992 and $16,500,000 for the fiscal year 1993.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1)(A) There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $547,250,000 for the fiscal year 1992 and $592,250,000 for the fiscal year 1993.

(B) Of the amounts authorized to be appropriated by subparagraph (A), $5,000,000 is authorized to be available for each of the fiscal years 1992 and 1993 for migration assistance to displaced ethnic Armenians resettling in Armenia.

(2) There are authorized to be appropriated $80,000,000 for the fiscal year 1992 and $90,000,000 for the fiscal year 1993 for assistance for refugees resettling in Israel.

(3) There are authorized to be appropriated $1,750,000 for the fiscal year 1992, and $1,750,000 for the fiscal year 1993, for assistance to unaccompanied minor children and other cases of special humanitarian concern that have generally been referred to special committees established pursuant to the Comprehensive Plan of Action for Indochinese Refugees in first asylum countries in Southeast Asia and Hong Kong. The President shall seek to ensure that such assistance supplements, and does not supplant, United Nations High Commissioner for Refugees and other funding that would have been directed toward assistance to unaccompanied minors and other cases of special humanitarian concern in the absence of this paragraph. Assistance may be provided under this paragraph notwithstanding any other provision of law.

(4) There are authorized to be appropriated $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Burmese displaced as a result of civil conflict.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $2,250,000 for the fiscal year 1992 and $6,000,000 for the fiscal year 1993.

(2) SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.—For "Soviet-East European Research and Training", $4,784,000 for the fiscal year 1992 and $5,025,000 for the fiscal year 1993.

(3) ASIA FOUNDATION.—For "Asia Foundation", $16,000,000 for the fiscal year 1992 and $18,000,000 for the fiscal year 1993.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 111. TECHNICAL AMENDMENT.

The State Department Basic Authorities Act of 1956 is amended—

(1) by striking out section 48; and

(2) by inserting immediately after the enacting clause the following: "That this Act may be cited as the 'State Department Basic Authorities Act of 1956'.".

SEC. 112. CONSULAR AND DIPLOMATIC POSTS ABROAD.

(a) CONSULAR AND DIPLOMATIC POSTS ABROAD.—

(1) The State Department Basic Authorities Act of 1956 (as amended by subsection (a)) is amended by adding after section 47 the following:

"CLOSING OF CONSULAR AND DIPLOMATIC POSTS ABROAD

"Sec. 48. (a) PROHIBITED USES OF FUNDS.—Except as provided under subsection (d) or in accordance with the procedures under subsections (b) and (c) of this section—

"(1) no funds authorized to be appropriated to the Department of State shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad; and

"(2) no funds authorized to be appropriated to the Department of State may be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed.

"(b) POST CLOSING NOTIFICATION.—Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) REPROGRAMMING TREATMENT.—Amounts made available to pay any expense related to the closing of a consular or diplomatic post abroad shall be treated as a reprogramming of funds under section 34 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

"(d) EXCEPTIONS.—The provisions of this section do not apply with respect to—

"(1) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against travel by United States citizens to that city has been issued by the Department of State.

"(e) DEFINITION.—As used in this section, the term 'consular or diplomatic post' does not include a post to which only personnel of agencies other than the Department of State are assigned.".

(b) REPEAL.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656 note) is repealed.

SEC. 113. DENIAL OF PASSPORTS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 48 the following new section:

"IMPERMISSIBLE BASIS FOR DENIAL OF PASSPORTS

"Sec. 49. A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.".

SEC. 114. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 124 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2680 note) is amended by adding at the end thereof the following: "Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.".

SEC. 115. LEASE AUTHORITY.

(a) INCREASE IN LEASE AUTHORITY.—Section 10 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by striking out "$25,000," and inserting in lieu thereof "$50,000".

(b) ADVANCE PAYMENTS.—Section 10 of the Foreign Service Buildings Act, 1926 is further amended—

(1) by inserting "(a) LEASES.—" after "SEC. 10."; and

(2) by adding after subsection (a) the following new subsection:

"(b) ADVANCE PAYMENTS FOR LONG-TERM LEASES AND LEASE PURCHASE.—The Secretary may, subject to the availability of appropriations, make advance payments for long-term leases and lease-purchase agreements, if the Secretary or his designee determines, in each case, that such payments are in the interest of the United States Government in carrying out the purposes of this Act.".

(c) EXCEPTION OF LEASES AND PURCHASES FROM COMPETITION.—Section 3 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 294), is amended in the second sentence by inserting "purchases of buildings, for leases, and for" after "contracts for".

SEC. 116. MULTIYEAR CONTRACTING FOR MOSCOW.

(a) MULTIYEAR CONTRACT.—For purposes of this section the term "multiyear contract"

means a contract in effect for a period not to exceed five years.

(b) AUTHORITY.—The Secretary of State may enter into multiyear contracts for the acquisition of property and the construction of diplomatic facilities in Moscow, as authorized by the Foreign Service Buildings Act, 1926, if—

(1) there are sufficient funds available for United States Government liability for—

(A) total payments under the full term of a contract; or

(B) payments for the first fiscal year for which the contract is in effect, and for all estimated cancellation costs; and

(2) the Secretary of State determines that—

(A) a multiyear contract will serve the best interests of the United States Government by—

(i) achieving economies in administration, performance, and operation;

(ii) increasing quality of performance by, or service from, the contractor; or

(iii) encouraging effective competition; and

(B) a multiyear contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

(c) CONTRACT PROVISIONS.—

(1) Unless funds are available for United States liability for payments under the full term of a multiyear contract, a multiyear contract shall provide that United States Government payments and performance under the contract during the second and any subsequent fiscal year of the contract period are contingent on the availability of funds for such year.

(2) A multiyear contract may provide for payment to the contractor of a reasonable cancellation charge for a contingency under paragraph (1).

(3) The Secretary is authorized to use such funds as may be available from the Foreign Service Buildings Fund for payments under paragraph (2).

(d) SUNSET PROVISION.—This section shall cease to have effect after September 30, 1993.

SEC. 117. TRANSFERS AND REPROGRAMMINGS.

(a) BUYING POWER MAINTENANCE ACCOUNT.—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended by adding at the end of subsection (b) the following new paragraph:

"(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an account under 'Administration of Foreign Affairs', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed $100,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.

"(E) This paragraph shall cease to have effect after September 30, 1993.".

(b) INCREASE IN REPROGRAMMING LIMITATION.—Section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)) is amended in paragraph (7) by striking out "$250,000" and inserting in lieu thereof "$500,000".

(c) APPROPRIATIONS.—Section 24(d) of the State Department Basic Authorities Act is amended to read as follows:

"(d)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for the second fiscal year of any two-year authorization cycle may be appropriated for such second fiscal year for any other account of the Department of State.

"(2) Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

"(3) The requirements and limitations of section 15 shall not apply to the appropriation of funds pursuant to this subsection.

"(4) This subsection shall cease to have effect after September 30, 1993.".

SEC. 118. ADMINISTRATIVE SERVICES.

Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended—

(1) by adding before the section designation the following section heading: "ADMINISTRATIVE SERVICES";

(2) by inserting "(a) AGREEMENTS.—" after "Sec. 23."; and

(3) by adding at the end thereof the following new subsection:

"(b) PAYMENT.—

"(1) A Federal agency which obtains administrative services from the Department of State pursuant to an agreement authorized under subsection (a) shall make full and prompt payment for such services through advance of funds or reimbursement.

"(2) The Secretary of State shall bill each Federal agency for amounts due for services provided pursuant to subsection (a). The Secretary shall notify a Federal agency which has not made full payment for services within 90 days after billing that services to the agency will be suspended or terminated if full payment is not made within 180 days after the date of notification. Except as provided under paragraph (3), the Secretary shall suspend or terminate services to a Federal agency which has not made full payment for services under this section 180 days after the date of notification. Any costs associated with a suspension or termination of services shall be the responsibility of, and shall be billed to, the Federal agency.

"(3) The Secretary of State may waive the requirement for suspension or termination under paragraph (2) with respect to such services as the Secretary determines are necessary to ensure the protection of life and the safety of United States Government property. A waiver may be issued for a period not to exceed one year and may be renewed.".

SEC. 119. INTERNATIONAL MEETINGS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 49 the following:

"INTERNATIONAL MEETINGS

"Sec. 50. (a) AUTHORITY TO PAY EXPENSES.—If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

"(b) RETENTION OF REIMBURSEMENTS.—To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.".

SEC. 120. AVAILABILITY OF FUNDS.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

(1) in subsection (j), by striking out "and";

(2) in subsection (k), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law.".

SEC. 121. CHILDCARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking out "1990 and 1991," and inserting in lieu thereof "1992 and 1993,".

SEC. 122. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs, which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652).

(b) APPOINTMENT.—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State with respect to India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.

(d) CONFORMING AMENDMENT.—

(1) POSITIONS AT EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Assistant Secretary for South Asian Affairs, Department of State.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1991.

(e) IMPLEMENTATION.—In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

SEC. 123. FEES RECEIVED FOR USE OF BLAIR HOUSE.

Section 46(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) is amended by striking out "for the fiscal years 1990 and 1991,".

SEC. 124. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4021 note) is amended in subsection (c)(2) by striking out "50,000,000" and inserting in lieu thereof "70,000,000".

SEC. 125. MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY.

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after the date of the enactment of this Act, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

SEC. 126. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking out the section heading and the heading for subsection (a) and inserting in each place the following: "DEFENSE TRADE CONTROLS REGISTRATION FEES;

(2) in subsection (a)—

(A) by striking out "Munitions Control" each place it appears and inserting in lieu thereof "Defense Trade Controls";

(B) by striking out "munitions control" each place it appears and inserting in lieu thereof "defense trade controls"; and

(C) by striking out "$500,000" and inserting in lieu thereof "$700,000".

SEC. 127. DENIAL OF CERTAIN VISAS.

(a) AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT.—The State Department Basic Authorities Act of 1956 is amended by adding after section 50 the following new section:

"DENIAL OF VISAS

"SEC. 51. (a) REPORT TO CONGRESS.—The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

"(b) Limitation.—Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.".

"(c) Appropriate Committees.—For the purposes of this section the term 'appropriate committees of the Congress' means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.".

SEC. 128. VISA LOOKOUT SYSTEMS.

(a) VISAS.—The Secretary of State may not include in the Automated Visa Lookout System, or in any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, the name of any alien who is not excludable from the United States under the Immigration and Nationality Act, subject to the provisions of this section.

(b) CORRECTION OF LISTS.—Not later than 3 years after the date of enactment of this Act, the Secretary of State shall—

(1) correct the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, by deleting the name of any alien not excludable under the Immigration and Nationality Act; and

(2) report to the Congress concerning the completion of such correction process.

(c) REPORT ON CORRECTION PROCESS.—

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate congressional committees, a plan which sets forth the manner in which the Department of State will correct the Automated Visa Lookout System, and any other system or list as set forth in subsection (b).

(2) Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the progress made toward completing the correction of lists as set forth in subsection (b).

(d) APPLICATION.—This section refers to the Immigration and Nationality Act as in effect on and after June 1, 1991.

(e) LIMITATION.—

(1) The Secretary may add or retain in such system or list the names of aliens who are not excludable only if they are included for otherwise authorized law enforcement purposes or other lawful purposes of the Department of State. A name included for other lawful purposes under this paragraph shall include a notation which clearly and distinctly indicates that such person is not presently excludable. The Secretary of State shall adopt procedures to ensure that visas are not denied to such individuals for any reason not set forth in the Immigration and Nationality Act.

(2) The Secretary shall publish in the Federal Register regulations and standards concerning maintenance and use by the Department of State of systems and lists for purposes described in paragraph (1).

(3) Nothing in this section may be construed as creating new authority or expanding any existing authority for any activity not otherwise authorized by law.

(f) DEFINITION.—As used in this section the term "appropriate congressional committees" means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

SEC. 129. PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to direct the Secretary of State to seek an end to the policy of the majority of Arab League nations of rejecting passports, and denying entrance visas to persons whose passport or other documents reflect that the holder has visited Israel, and to secure the adoption of policies that assure that travel to such Arab League nations by persons who have visited Israel shall not be unreasonably impeded; and

(2) to prohibit United States Government acquiescence in the policy of the majority of Arab League nations of rejecting Israel by rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the holder has visited Israel, especially with respect to travel by officials of the United States.

(b) NEGOTIATIONS.—The Secretary of State shall immediately undertake negotiations to seek an end to the policy of the majority of Arab League nations of rejecting passports of, and denying entrance visas to, private persons and officials of all nations whose passports or other documents reflect that the holder thereof has visited Israel.

(c) REPORT TO CONGRESS.—The Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 60 days of the date of enactment of this Act. The report shall describe the status of efforts to secure an end to the passport and visa policy of the majority of Arab League nations as described in subsection (a), and describe the prospects that such efforts would be successful within 90 days of the date of enactment of this Act.

(d) PROHIBITION ON THE ISSUANCE OF ISRAEL-ONLY PASSPORTS.—

(1) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of State shall not issue any passport that is designated for travel only to Israel.

(2) CANCELLATION.—Not later than ninety days after the date of enactment of this Act, the Secretary of State shall promulgate regulations for the cancellation not later than 180 days after the enactment of this Act of any currently valid passport which is designated for travel only to Israel.

(e) POLICY ON NONACQUIESCENCE.—

(1) REQUIREMENT OF SINGLE PASSPORT.—The Secretary of State shall not issue more than one official or diplomatic passport to any official of the United States Government for the purpose of enabling that official to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(2) IMPLEMENTATION OF POLICY OF NONCOMPLIANCE.—The Secretary of State shall promulgate such rules and regulations as are necessary to ensure that officials of the United States Government do not comply with, or acquiesce in, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(3) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), this subsection shall take effect 90 days after the date of enactment of this Act.

(B) If the report under subsection (c) is not submitted within 60 days of the date of enactment of this Act, this subsection shall take effect 60 days after the date of enactment of this Act.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 131. DIPLOMATIC CONSTRUCTION PROGRAM.

Section 402(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4582(a)) is amended—

(1) in paragraph (1) by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000"; and

(2) by amending paragraph (2) to read as follows:

"(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security.".

SEC. 132. CONSTRUCTION OF DIPLOMATIC FACILITIES.

(a) LIMITATION.—Amounts appropriated pursuant to section 101(a)(7) shall be available for obligation and expenditure subject to the provisions of this section.

(b) COMPREHENSIVE PLAN.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress, a comprehensive plan which sets forth current and future space requirements for the United States Mission in Moscow and how such requirements will be met.

(2) In addition to such other information as the Secretary of State considers necessary and appropriate, such plan shall include detailed information concerning requirements for—

(A) United States constructed and secure office space to house all classified or sensitive activities from the most secure to unclassified but sensitive functions;

(B) unclassified nonsensitive office functions;

(C) staff housing that is physically safe, secure, and adequate for the needs of the entire United States Mission, both permanent and transient;

(D) secure and unsecured warehousing;

(E) recreational facilities;

(F) expanded activities of the United States Information Agency, including offices and cultural activities;

(G) expanded consular activities of the Mission;

(H) expanded activities of the Foreign Commercial Service of the Department of Commerce;

(I) activities of the Immigration and Naturalization Service; and

(J) all other anticipated United States Government space requirements.

(3) In the preparation of such plan, the Secretary shall ensure that detailed consideration

be given to at least three construction options for the new chancery building at the United States Embassy in Moscow: (A) full teardown and rebuild; (B) four floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added; and (C) a two floor "top hat" in which no floors are removed but two are added.

(c) IMPLEMENTING DOCUMENTS.—The Secretary of State shall make available to the appropriate committees of Congress copies of all agreements, including memoranda of understanding, exchanges of letters, and all other written agreements with the governments of the Soviet Union, the Russian Republic, and the City of Moscow necessary to implement the comprehensive plan under subsection (b).

(d) REPORT.—

(1) Not later than 60 days before the obligation or expenditure of any funds authorized to be appropriated under section 101(a)(7), the Secretary of State and the Director of Central Intelligence shall submit to the appropriate committees of the Congress a joint written report on alternative approaches to the reconstruction of the new chancery building at the United States Embassy in Moscow (as authorized under section 101(a)(7)).

(2) CONTENTS OF REPORT.—The report under paragraph (1) shall contain a detailed comparison of the relative advantages and disadvantages of all alternatives considered with respect to the new chancery building at the United States Embassy in Moscow and shall identify the alternative selected for implementation. Such report shall include an analysis of the following factors:

(A) Estimated cost of completion, based on comparable levels of fit, finish, and equipment.

(B) Estimated time to completion.

(C) Total amount of secure and nonsecure space available for office and other functions.

(D) Whether classified or sensitive functions would be conducted in nonsecure areas, and, if so, how the conduct of such functions would be made secure.

(E) Whether, and to what extent, Embassy functions or normal work practices would have to be rearranged in order to accommodate limitations on secure space.

(e) EXTRAORDINARY SECURITY SAFEGUARDS.—

(1) In carrying out the reconstruction project for the new chancery building at the United States Embassy in Moscow, the Secretary of State shall ensure that extraordinary security safeguards are implemented with respect to all aspects of security, including materials, logistics, construction methods, and site access.

(2) Such extraordinary security safeguards under paragraph (1) shall include the following:

(A) Exclusive United States control over the site during reconstruction.

(B) Exclusive use of United States or non-Soviet materials with respect to the new chancery structure.

(C) Exclusive use of United States workmanship with respect to the new chancery structure.

(D) To the extent feasible, prefabrication in the United States of major portions of the new chancery.

(E) Exclusive United States control over construction materials during the entire logistical process of reconstruction.

(f) UNITED STATES-SOVIET RECIPROCITY CONCERNING OCCUPANCY OF NEW CHANCERY BUILDINGS.—The Secretary of State may not permit the Soviet Union to use any new office building at the Soviet Union's new Mount Alto embassy complex in Washington, District of Columbia, or any other new facility in the Washington metropolitan area, until—

(1) the new chancery building at the United States Embassy in Moscow is ready for occupancy;

(2) the Secretary of State and the Director of Central Intelligence certify, on the basis of the best available information, that the new chancery building at the United States Embassy in Moscow provides a secure working environment for all sensitive diplomatic activities from unclassified but sensitive functions to the most highly classified functions, provides adequate secure or securable office space for future mission needs, and can be safely and securely occupied by the United States and used for its intended purpose; and

(3) the Soviet Union agrees to provide full reimbursement (in the form of cash payment, property, or other goods and services of real monetary value) to the United States for costs incurred by the United States as a result of noncompliance with the terms and requirements of the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings, as well as other activities which have impeded use of the unfinished new office building of the United States Embassy of Moscow for its intended purpose, the amount of such reimbursement shall be determined by agreement between the United States and the Soviet Union, or by arbitration.

(g) REPORT.—In the event the amount of reimbursement agreed to under subsection (f) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (f) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(h) CONFORMING AMENDMENTS.—

(1) Section 304 of Public Law 100-202 (The Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988) is repealed.

(2) Section 154 of Public Law 99-93 (The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is repealed.

(3) The Supplemental Appropriations Act 1985 (P.L. 99-88) is amended under the heading "ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD" for the Department of State by striking out ": Provided," and all that follows before the period at the end of subsection (d).

(i) DEFINITIONS.—For the purposes of this section, the term "appropriate committees of Congress", means the Committee on Foreign Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(j) Establishment of Additional United States Missions in the Soviet Union.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress outlining plans for the establishment of additional United States missions in the former Soviet Union. Particular priority should be placed on establishing an appropriate United States presence in Tbilisi, Georgia; Kishinev, Moldavia; Yerevan, Armenia; and Khabarovsk, Russia or another suitable nearby location in the Russian Far East. Such report shall include the number of missions and personnel, projected costs, and the ramifications regarding reciprocity for Soviet missions in the United States.

SEC. 133. POSSIBLE MOSCOW EMBASSY SECURITY BREACH.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report on the extent to which United States assets were compromised by Soviet "firefighters" in the March 1991 fire at the United States Embassy complex in Moscow. Such report shall include an accounting of the Embassy's political, military, communications, and intelligence capabilities, and shall be submitted in classified, as well as unclassified, form.

SEC. 134. SPECIAL AGENTS.

(a) REPORT.—Not later than 180 days after the date of enactment of this act, the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary and Foreign Relations of the Senate and the Committees on the Judiciary and Foreign Affairs of the House of Representatives a report and recommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshals, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest.

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority.

(3) Disadvantages which would be likely to result from granting of such authority, including disadvantages in terms of protection of civil liberties.

(4) Proposed statutory language which would if enacted provide any such authority recommended.

(5) Proposed regulations to implement any such enacted authority.

SEC. 135. PROTECTION FOR UNITED NATIONS FACILITIES AND MISSIONS.

(a) PERMANENT AUTHORIZATION.—

(1) Section 208(b)(1) of title 3, United States Code, is amended—

(A) by striking out "$7,000,000" and inserting in lieu thereof "$10,000,000";

(B) by striking out "1982" and inserting in lieu thereof "1991"; and

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

(2) Section 208(b)(2) of title 3, United States Code, is amended—

(A) by striking out "$17,700,000" and inserting in lieu thereof "$8,000,000";

(B) by striking out "1982" and inserting in lieu thereof "1991"; and

(C) by inserting before the period at the end thereof the following: ", except that not more than $4,000,000 of this amount shall be obligated or expended during fiscal year 1992".

(3) The amendments made by this subsection shall take effect on October 1, 1991.

(b) PROTECTION OF FOREIGN DIPLOMATIC MISSIONS.—

(1) Section 202(8)(C) of title 3, United States Code, is amended to read as follows: "(C) when the extraordinary protective need arises at or in

association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit;".

(2) Section 202(9) of title 3, United States Code, is amended to read as follows:

"(9) foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and".

(3) Section 202 of title 3, United States Code, is amended by adding after paragraph (9) the following:

"(10) visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits, pursuant to invitations of the United States Government.".

(4)(A) Except as provided in subparagraph (B), the amendments made by this subsection shall take effect October 1, 1991.

(5) Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection, shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by paragraph (1) of this subsection was in effect during that period and the services had been requested by the Secretary of State.

(c) CONFORMING AMENDMENTS.—Section 208(a) of title 3, United States Code, is amended by striking out "section 202(7)" each place it appears and inserting in lieu thereof "sections 202(8) and 202(10)".

SEC. 136. STUDY OF CONSTRUCTION SECURITY NEEDS.

Not more than one year after the date of enactment of this Act, the Secretary of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report and recommendations regarding security needs for diplomatic construction. The Secretary of State shall review priorities, recommendations, and plans, generally known as the "Inman Report", and address specifically whether changing budgetary and foreign policy priorities since the "Inman Report" continue to justify the "Inman" recommendations. The report should also assess whether authorizations for "Inman" security activities should be modified or repealed in light of changed conditions.

PART D—PERSONNEL

SEC. 141. AMBASSADORIAL APPOINTMENTS.

Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in subsection (a)(1) by inserting "as an ambassador," after "ambassador at large,".

SEC. 142. CHIEF OF MISSION SALARY.

(a) ELECTION.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in the second sentence of subsection (b) by striking out all that follows "assignment" and inserting in lieu thereof "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63, title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President.".

(b) PAY CAP.—Section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961) is amended in subsection (a) by—

(1) striking out "Each" and inserting in lieu thereof "Except as provided in section 302(b), each"; and

(2) striking out "level II of such" and inserting in lieu thereof "level I of such".

SEC. 143. AUTHORITY OF SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES.

(a) SEPARATION FOR CAUSE.—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

(1) in paragraph (3) by striking out "there is reasonable cause to believe that a member has committed a crime" and inserting in lieu thereof "a member has been convicted of a crime";

(2) in paragraph (4)(A) by striking out "suspension, including the grounds for reasonable cause to believe a crime has been committed" and inserting in lieu thereof "suspension"; and

(3) in the second sentence of paragraph (5) by striking out "there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed" and inserting in lieu thereof "the conviction requirements of subsection (a)(3) have been fulfilled".

(b) FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the third sentence of paragraph (8) by striking out "determined that" and all that follows through the period and inserting in lieu thereof "exercised his authority under subsection (a)(3) of section 610.".

(c) CONFORMING AMENDMENT.—Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking out subsection (c).

SEC. 144. COMMISSARY ACCESS.

Section 31(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703(c)) is amended by adding before the period at the end of the first sentence ", and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad".

SEC. 145. STORAGE OF PERSONAL EFFECTS.

Section 901(12) of the Foreign Service Act of 1980 (22 U.S.C. 4081(12)) is amended—

(1) in subparagraph (B) by inserting immediately before the semicolon ", except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days"; and

(2) in subparagraph (C) by inserting immediately before the semicolon ", except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days".

SEC. 146. TRANSPORTATION OF REMAINS.

Section 901(10) of the Foreign Service Act of 1980 (22 U.S.C. 4081(10)) is amended by inserting immediately before the semicolon "or, if death occurs in the United States, transport of the remains to the designated home in the United States or to a place not more distant".

SEC. 147. AMENDMENTS TO TITLE 5.

(a) DURATION OF PAYMENTS; RATES; ACTIVE SERVICE PERIOD.—Section 5523(a)(1) of title 5, United States Code, is amended by striking "agency)—" and all that follows thereafter and inserting the following: "agency) whose departure (or that of the employee's dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and".

(b) LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.—(1) Section 5551(a) of title 5, United States Code, is amended by inserting "(excluding any differential under section 5925 and any allowance under section 5928)" after "pay" in the second sentence.

(2) The amendment made by paragraph (1) shall apply with respect to service as part of a tour of duty or extension thereof commencing on or after the date of enactment of this Act.

(c) GENERAL PROVISIONS.—Section 5922 of title 5, United States Code, is amended by adding at the end the following:

"(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee's death.

"(e) When an allowance related to education away from post under this subchapter would be authorized with respect to an employee but for the evacuation or authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing any dependent children of such employee to complete the current school year.".

(d) QUARTERS ALLOWANCE.—Section 5923 of title 5, United States Code, is amended—

(1) by striking out "When" and inserting in lieu thereof "(a) When";

(2) in paragraph (1) (in the matter before subparagraph (A))—

(A) by striking "lodging" and inserting "subsistence"; and

(B) by inserting "(including meals and laundry expenses)" after "quarters";

(3) in paragraph (1)(A), by striking "3 months" and inserting "90 days";

(4) in paragraph (1)(B), by striking "1 month" and inserting "30 days"; and

(5) by adding at the end the following:

"(b) The 90-day period under subsection (a)(1)(A) and the 30-day period under subsection (a)(1)(B) may each be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the control of the employee for the continued occupancy of temporary quarters.".

(e) COST-OF-LIVING ALLOWANCES.—Section 5924 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "Columbia." and inserting "Columbia, except that employees receiving the temporary subsistence allowance under section 5923(1) are ineligible for a post allowance under this paragraph.";

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking "expenses," and inserting "subsistence and other relocation expenses (including unavoidable lease penalties),";

(B) in subparagraph (A), by inserting "the Commonwealth of the Northern Mariana Islands," after "Puerto Rico,"; and

(C) in subparagraph (B), by striking "between assignments to posts in foreign areas." and inserting "after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned."; and

(3) in paragraph (4)—

(A) in the matter before subparagraph (A), by striking "dependents," and inserting "dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas),";

(B) in subparagraph (A), by striking "United States," and inserting "United States (including such educational services as are provided by the

States under the Individuals with Disabilities Education Act),"; and

(C) in subparagraph (B)—

(i) in the first sentence by striking "undergraduate college education" and inserting "postsecondary educational institution education (other than a program of post-baccalaureate education)";

(ii) in the third sentence by striking "undergraduate college education" and inserting "postsecondary educational institution education (other than a program of post-baccalaureate education)"; and

(iii) by adding at the end the following: "For the purposes of this subparagraph, the term 'educational institution' has the meaning defined under section 1701(a)(6) of title 38.".

SEC. 148. VOLUNTARY LEAVE BANK PROGRAM.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking out "and (B)" and inserting in lieu thereof "(B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and (C)".

SEC. 149. REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended to read as follows:

"SEC. 813. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.—(a) Except as provided under subsection (b), a participant, who completes an assignment under section 302(b) in a position to which he or she was appointed by the President, shall be offered reassignment within 90 days after the termination of such assignment and any period of authorized leave.

"(b) Subsection (a) shall not apply with respect to a participant, if the Secretary of State determines that reassignment of the participant is not in the interest of the United States and the Foreign Service.

"(c) A participant who is not reassigned under subsection (a) shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate.".

SEC. 150. COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE.

(a) MEMBERSHIP.—

(1) Within 90 days of the date of enactment of this Act, the Secretary of State shall appoint seven distinguished members, at least six of whom shall have a minimum of ten years experience in personnel management, to examine personnel issues affecting both Foreign Service and Civil Service employees at the Department of State.

(2) Appointments to the Commission shall be made in consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Post Office and Civil Service of the House of Representatives, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

(3) The Secretary of State may reappoint members who served on the Commission authorized under section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(4) At least two members of the Commission shall have specialized knowledge of the Civil Service in the Department of State.

(b) IMPLEMENTATION REPORT.—Not later than one year after the date of enactment of this Act, the Commission shall report to the Chairmen and ranking Members of the appropriate committees of the Congress on the extent to which the Department of State has implemented recommendations of the Commission authorized in section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(c) REPORT ON PERSONNEL MATTERS AND CONDITIONS.—

(1) Not more than one year after the date of enactment of this Act, the Commission shall issue a written report to the appropriate committees of the Congress on State Department personnel questions affecting the effective conduct of foreign policy and the efficiency, cost effectiveness, and morale of State Department employees.

(2) The Commission report required under this subsection shall include the following topics:

(A) Matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) relating to senior Foreign Service Officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied them, were involuntarily retired under section 607 after June 2, 1990.

(B) An examination of the contribution of Civil Service personnel to the fulfillment of the mission of the Department of State, including—

(i) recommendations as to how the needs and standing of such employees might be more fully recognized by the Department as full partners in the successful conduct of foreign policy; and

(ii) recommendations as to how Civil Service positions may be better utilized or structured in the Department and abroad to enhance the institutional memory on evolving foreign policy issues.

(C) A study of the management and practices at the United States Mission to the United Nations, taking into account the recommendations of recent reports of the Inspector General of the Department of State.

(d) DEFINITION.—As used in this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Post Office and Civil Service of the House of Representatives.

SEC. 151. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to provide separation pay for foreign national employees of agencies of the United States Government, other than the Department of Defense.

(b) FUNDING.—There shall be deposited in such account—

(1) all amounts previously obligated for accrued separation pay of foreign national employees of such agencies of the United States Government; and

(2) amounts obligated for fiscal years after 1991 by such agencies for the current and future costs of separation pay of foreign national employees.

(b) AVAILABILITY.—Amounts shall be deposited in the fund annually and are authorized to be available until expended.

(c) EXPENDITURES FROM THE FUND.—Amounts deposited in the fund shall be available for expenditure to make separation payments to foreign national employees in countries in which such pay is legally authorized.

SEC. 152. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended—

(1) in the first sentence, by inserting after "Service," the following "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

SEC. 153. GRIEVANCES BASED ON ALLEGED DISCRIMINATION.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this section referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964,

"(ii) section 6(d) of the Fair Labor Standards Act of 1938,

"(iii) section 501 of the Rehabilitation Act of 1973,

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967, or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv).".

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2)."; and

(B) by adding at the end (as a flush left sentence) the following:

"Nothing in this subsection shall exclude any act, omission, or condition alleged to violate any law, rule, regulation, or policy directive referred to in subsection (a)(1)(H) from such term.".

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c)(1) In applying subsection (a) with respect to an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), the reference to '3 years' shall be deemed to read '180 days', subject to paragraph (2).

"(2) If the occurrence or occurrences giving rise to the grievance are alleged to have occurred while the grievant was assigned to a post abroad, the 180-day period provided for under paragraph (1) shall not commence until the earlier of—

"(A) the date as of which the grievant is no longer assigned to such post; or

"(B) the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be.".

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging discrimination under such law, rule, regulation, or policy directive had been filed with the commission.".

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),";

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), a grievant may either—

"(A) file a grievance under this chapter, or

"(B) initiate in writing a proceeding under another provision of law, regulation, or Executive order that authorizes relief,

but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a grievance under this chapter, or

"(B) initiates in writing a proceeding under such other provision of law, regulation, or Executive order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—Section 1110 of the Act (22 U.S.C. 4140) is amended—

(1) by striking "Any" and inserting "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), judicial review of whether the act, omission, or condition that is the basis of the grievance violates such law, rule, regulation, or policy directive may be obtained by an aggrieved party only if such party commences a civil action, not later than 90 days after such party receives notice of the final action of the Secretary or the Board, in an appropriate district court of the United States for de novo review.".

(f) APPLICABILITY.—The amendments made by this section shall not apply with respect to any grievance (within the meaning of section 1101 of the Act, as amended by this section) arising before the date of enactment of this Act.

SEC. 154. COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE.

Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

SEC. 155. LANGUAGE TRAINING IN THE FOREIGN SERVICE.

The Department of State, the Department of Commerce, and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

PART E—INTERNATIONAL ORGANIZATIONS

SEC. 161. MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the Permanent Representative of the United States to the United Nations should work to ensure that in-kind contributions by the United States and other nations to the United Nations peacekeeping forces are included at their full value when calculating the contributions to United Nations peacekeeping forces.

SEC. 162. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit a report to the Congress concerning the payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year.

(e) REPEAL OF EXISTING LAW.—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, are repealed.

SEC. 163. REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT.

Section 701 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 287e note) is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 164. PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES.

(a) REPEAL.—The Act of June 18, 1926 (22 U.S.C. 269) is repealed.

(b) AUTHORITY.—The President is authorized to maintain membership of the United States in the Permanent International Association of Road Congresses.

SEC. 165. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 103 of the Act of September 13, 1950 (22 U.S.C. 277d-3), is amended—

(1) by inserting "official entertainment and other representation expenses within the United States for the United States section;" after "guard purposes;"; and

(2) by striking out the period at end thereof and inserting in lieu thereof ": Provided further, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.".

SEC. 166. INTERNATIONAL FISHERIES COMMISSIONS ADVANCE PAYMENTS.

Section 3 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) at the end of subsection (j) by striking out "and";

(2) in subsection (k) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose.".

SEC. 167. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

Section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905) is amended in paragraph (4) by inserting "or for not more than 50 percent of administrative expenses in the United States" after "Japan".

SEC. 168. BRITISH-AMERICAN INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT AND MEETINGS.—Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Congress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the "United States group" of the United States Interparliamentary Group.

(b) APPOINTMENT OF MEMBERS.—Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) CHAIR AND VICE CHAIR.—(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) FUNDING.—There is authorized to be appropriated $50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for

the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

(e) CERTIFICATION OF EXPENDITURES.—The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) ANNUAL REPORT.—The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(g) INTERPARLIAMENTARY CONFERENCE OF NORTH ATLANTIC ASSEMBLY.—Section 5 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to amounts authorized by section 2, there is authorized to be appropriated $550,000 for fiscal year 1994 to meet the expenses incurred by the United States group in hosting the fortieth annual meeting of the North Atlantic Assembly.".

SEC. 169. UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE).

(a) ESTABLISHMENT.—In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "CSCE Assembly") not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) APPOINTMENT OF DELEGATION.—For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority and Minority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) ADMINISTRATIVE SUPPORT.—For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) FUNDING.—

(1) UNITED STATES PARTICIPATION.—There is authorized to be appropriated for each fiscal year $80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

(e) ANNUAL REPORT.—The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.

SEC. 170. REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

Not later than 270 days after the date of the enactment of this Act, the Secretary of State (in consultation with the heads of all appropriate bureaus and offices of the Department of State) shall prepare and submit to the Congress a report on the activities after April 30, 1990 of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 171. REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled "An Act establishing a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3005), is amended—

(1) by striking out "a semiannual" before "report" and inserting in lieu thereof "an annual"; and

(2) by striking out "the first one to be submitted six months after the date of enactment of this Act" after "report".

SEC. 172. INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT.

It is the sense of the Congress regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

(1) improved coordination of research activities and monitoring of global climate change;

(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

(5) the development of plans by each country to reach those goals.

SEC. 173. INTER-AMERICAN FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $28,800,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993 to carry out this section.".

(b) BOARD OF DIRECTORS.—

(1) QUALIFICATIONS.—Section 401(g) of that Act is amended by adding at the end the following: "All individuals appointed to the Board shall possess an understanding of and sensitivity to community level development processes. No more than 5 members of the Board may be members of any one political party.".

(2) TRANSITION RULE.—The requirements established by the amendment made by paragraph (1) do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act.

(c) PRINCIPAL OFFICE.—Section 401(q) of that Act is amended to read as follows:

"(q) The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.".

(d) EXPENSES FOR MEETINGS AND PRINTING.—Section 401 of that Act is amended by adding at the end the following:

"(v) Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 of the United States Code (relating to travel, transportation, and subsistence expenses for meetings).

"(w) Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44, United States Code.".

(e) RELATION TO AMENDMENTS IN FOREIGN RELATIONS AUTHORIZATION ACT.—If the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, contains amendments to section 401 of the Foreign Assistance Act of 1961 that are identical to the amendments described in this section, then whichever of such amendments are enacted later shall not be effective.

SEC. 174. HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS.

(a) REVIEW.—The Secretary of State shall conduct a review and evaluation of policies and procedures for the provision of housing benefits (including leased housing, housing allowances, differential payments, or any comparable benefit) to United States Government personnel assigned to the United States Mission to the United Nations. Such review shall consider the December 1989 recommendations of the Inspector General of the Department of State concerning housing benefits, and other recommendations as appropriate.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a comprehensive report of the findings of such review and evaluation to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include, but not be limited to—

(1) a summary of all leased housing policy changes;

(2) information concerning implementation of recommendations of the Inspector General for the Department of State, including an explanation for not implementing any recommendation made by the Inspector General; and

(3) designation of positions at the United States Mission to the United Nations which require the incumbent to live in the Borough of Manhattan, and specific justification for such designation.

SEC. 175. ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING.

(a) ACTIONS BY THE SECRETARY GENERAL OF THE UNITED NATIONS.—The Secretary of State, through the United States Representative to the United Nations, should propose to the Secretary General of the United Nations that the United Nations should explore means, including procedures and organizational initiative, for expediting the implementation of peacekeeping operations authorized by the Security Council.

(b) REPORT OF THE SECRETARY OF STATE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report which makes recommendations concerning changes in United States law which would enhance the United States participation in peacekeeping operations authorized by the United Nations. Such report shall include legislative recommendations to expedite the use of appropriated funds for peacekeeping purposes on an emergency basis.

SEC. 176. SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101(a)(1) for "Salaries and Expenses" of the Department of State, $1,000,000 shall be available only after the submission of the report under subsection (b).

(b) REPORT TO CONGRESS.—Not later than March 1, 1992, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the international organizations listed in subsection (c). Such report shall include the following information with respect to each international organization:

(1) The purpose and activities of the organization.

(2) The political and economic benefits to the United States of membership in the organization.

(3) The effect on United States consumers and importers of the activities and policies of the organization.

(c) SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.—The following international organizations shall be included in the report under this section:

(1) International Center for the Study of Preservation and Restoration of Cultural Property.

(2) International Coffee Organization.

(3) International Cotton Advisory Committee.

(4) International Hydrographic Organization.

(5) International Jute Organization.

(6) International Lead and Zinc Study Group.

(7) International Rubber Organization.

(8) International Office of Epizootics.

(9) International Organization for Legal Metrology.

(10) International Rubber Study Group.

(11) International Sugar Organization.

(12) International Tropical Timber Organization.

(13) International Union for the Conservation of Nature and Natural Resources.

(14) Permanent International Association of Road Congresses.

(15) World Tourism Organization.

SEC. 177. GREAT LAKES FISHERY COMMISSION.

Of the amounts authorized to be appropriated by section 103(4) of this Act, there is authorized to be appropriated up to $8,200,000 for fiscal year 1992 and up to $12,300,000 for fiscal year 1993 for the purpose of enabling the Department of State to carry out its authority, function, duty, and responsibility in the conduct of foreign affairs of the United States in connection with the Great Lakes Fishery Commission.

SEC. 178. INTER-AMERICAN ORGANIZATIONS.

(a) POLICY.—Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, the Congress believes that the Secretary of State, in allocating the level of resources for the "International Organizations and Commissions" account, should pay particular attention to funding levels of the Inter-American Organizations.

(b) FINDING.—The Congress finds that the work done by these organizations has been of great benefit to the region, and the United States itself has experienced a positive return from their efforts.

SEC. 179. INTERNATIONAL COFFEE ORGANIZATION.

It is the sense of the Congress that the President should give the highest priority to the interests of United States consumers in shaping United States policy toward a new International Coffee Agreement.

SEC. 180. APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY.

(a) DESIGNATION.—The Secretary of State shall designate a Special Coordinator—

(1) to coordinate the United States Government response to international water resource disputes and needs;

(2) to represent the United States Government, whenever appropriate, in multilateral fora in discussions concerning access to fresh water; and

(3) to formulate United States policy to assist in the resolution of international problems posed by the lack of fresh water supplies.

(b) OTHER RESPONSIBILITIES.—The individual designated under subsection (a) may carry out the functions of subsection (a) in addition to other assigned responsibilities.

SEC. 181. EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall submit a report to the Congress concerning each international organization which had a geographic distribution formula in effect on January 1, 1991, of whether each such organization—

(1) is taking good faith steps to increase the staffing of United States citizens; and

(2) has met its geographic distribution formula.

PART F—MISCELLANEOUS PROVISIONS

SEC. 191. TRAVEL ADVISORY FOR JALISCO, MEXICO.

Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 is repealed.

SEC. 192. IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN.

(a) REPORT TO CONGRESS.—Two years after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the progress of the United States implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies), as adopted by the 40th session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

(b) FINAL REPORT.—Not later than 90 days prior to the 1995 deadline for submission of the report to the United Nations Secretary General on the United States implementation of the Nairobi Strategies, the Secretary of State shall submit to the Congress a preliminary version of such report.

SEC. 193. STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPABILITIES.

(a) STUDY BY INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of State shall initiate, with the cooperation of other appropriate Federal agencies, a study of the overseas technical security and counterintelligence capabilities and practices of the Department of State. The study shall be completed not later than one year after the date of enactment of this Act.

(b) CONTENT.—The study shall evaluate—

(1) the overseas technical security and counterintelligence capabilities of the Department of State since the enactment of the Omnibus Diplomatic Security and Antiterrorism Act of 1986;

(2) the level of the State Department's capabilities in technical security and counterintelligence relative to the technical and human intelligence threats identified by other appropriate Federal agencies; and

(3) whether the Department of State is the most appropriate Federal agency to carry out overseas technical security and counterintelligence functions.

(c) REPORT TO CONGRESS.—Not later than 400 days after the date of the enactment of this Act, the Inspector General of the Department of State shall prepare and submit, with the cooperation of other appropriate Federal agencies, a written report of the findings of such study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The Inspector General may submit such report in classified form.

SEC. 194. STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State has been negligent in carrying out section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, "Study of Sexual Harassment at the Department of State".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the reasons for the Department's negligence in adhering to deadlines required by law in implementing section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and what steps, if any, the Department has taken to prevent such a failure from recurring.

SEC. 195. PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If it has been finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of State, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

SEC. 196. DEADLINE FOR RESPONSES TO QUESTIONS FROM CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 197. INTERNATIONAL CREDIT REPORTS.

(a) REPORT ON LOAN CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of State for Economic and Business Affairs, in consultation with the Secretary of the Treasury, shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report setting forth clear criteria for bilateral loans by which the United States can determine the likelihood of repayment by a country seeking to receive United States loans. The report should include the criteria used for—

(1) assessing country risk;

(2) projecting loan repayments; and

(3) estimating subsidy levels.

(b) REPORTS ON LOANS.—Beginning 180 days after the submission of the report in subsection (a) and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years.

SEC. 198. THE FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES.

(a) AMENDMENT.—The State Department Basic Authorities Act of 1956 is amended by adding at the end thereof the following new title:

"TITLE IV—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

"SEC. 401. GENERAL AUTHORITY AND CONTENTS OF PUBLICATION.

"(a) CHARTER OF THE PUBLICATION.—The Department of State shall continue to publish the 'Foreign Relations of the United States Historical Series' (hereafter in this title referred to as the 'FRUS series'), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

"(b) EDITING PRINCIPLES.—The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

"(c) DEADLINE FOR PUBLICATION OF RECORDS.—The Secretary of State shall ensure that the FRUS series shall be published not more than 30 years after the events recorded.

"SEC. 402. RESPONSIBILITY FOR PREPARATION OF THE FRUS SERIES.

"(a) IN GENERAL.—

"(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this title.

"(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 403, the review and selection of records for inclusion in volumes of the series.

"(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 403, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than 26 years before the date of a request for such access or copy made by the Office of the Historian.

"(b) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—Notwithstanding any other provision of this title, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, United States Code, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

"SEC. 403. PROCEDURES FOR IDENTIFYING RECORDS FOR THE FRUS SERIES; DECLASSIFICATION, REVISIONS, AND SUMMARIES.

"(a) DEVELOPMENT OF PROCEDURES.—Not later than 180 days after the date of enactment of this title, each department, agency, or other entity of the United States Government engaged in foreign policy formulation, execution, or support shall develop procedures for its historical office (or a designated individual in the event that there is no historical office)—

"(1) to coordinate with the State Department's Office of the Historian in selecting records for possible inclusion in the FRUS series;

"(2) to permit full access to the original, unrevised records by such individuals holding appropriate security clearances as have been designated by the Historian as liaison to that department, agency, or entity, for purposes of this title, and by members of the Advisory Committee; and

"(3) to permit access to specific types of records not selected for inclusion in the FRUS series by the individuals identified in paragraph (2) when requested by the Historian in order to confirm that records selected by that department, agency, or entity accurately represent the policymaking process reflected in the relevant part of the FRUS series.

"(b) DECLASSIFICATION REVIEW.—

"(1) Subject to the provisions of this subsection, records selected by the Historian for inclusion in the FRUS series shall be submitted to the respective originating agency for declassification review in accordance with that agency's procedures for such review, except that such declassification review shall be completed by the originating agency within 120 days after such records are submitted for review. If the originating agency determines that any such record is not declassifiable because of a continuing need to protect sources and methods for the collection of intelligence information or to protect other sensitive national security information, then the originating agency shall attempt to make such deletions in the text as will make the record declassifiable.

"(2) If the historian determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1) that publication in that condition could be misleading or lead to an inaccurate or incomplete historical record, then the Historian shall take steps to achieve a satisfactory resolution of the problem with the originating agency. Within 60 days of receiving a proposed solution from the Historian, the originating agency shall furnish the Historian a written response agreeing to the solution or explaining the reasons for the alteration or deletion.

"(3) The Historian shall inform the Advisory Committee of any failure by an originating agency to complete its declassification review of a record within 120 days and of any steps taken under paragraph (2).

"(4) If the Advisory Committee determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1), or if the Advisory Committee determines as a result of inspection of other documents under subsection (a)(3) that the selection of documents could be misleading or lead to an inaccurate or incomplete historical record, then the Advisory Committee shall so advise the Secretary of State and submit recommendations to resolve the issue.

"(5)(A) The Advisory Committee shall have full and complete access to the original text of any record in which deletions have been made. In the event that the head of any originating agency considers it necessary to deny access by the Advisory Committee to the original text of any record, that agency head shall promptly notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.

"(B) The Historian shall provide the Advisory Committee with a complete list of the records described in subparagraph (A).

"(6) If a record is deleted in whole or in part as a result of review under this subsection then a note to that effect shall be inserted at the appropriate place in the FRUS volume.

"SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS.

"(a) DEADLINE FOR DECLASSIFICATION.—

"(1) Except as provided in subsection (b), each classified record of permanent historical value (as determined by the Secretary of State and the Archivist of the United States) which was published, issued, or otherwise prepared by the Department of State (or any officer or employee thereof acting in an official capacity) shall be declassified not later than 30 years after the record was prepared, shall be transferred to the National Archives and Records Administration, and shall be made available at the National Archives for public inspection and copying.

"(2) Nothing in this subsection may be construed to require the declassification of a record wholly prepared by a foreign government.

"(b) EXEMPTED RECORDS.—Subsection (a) shall not apply to any record (or portion thereof) the publication of which the Secretary of State, in coordination with any agency that originated information in the records, determines—

"(1) would compromise weapons technology important to the national defense of the United States or reveal sensitive information relating to the design of United States or foreign military equipment or relating to United States cryptologic systems or activities;

"(2) would disclose the names or identities of living persons who provided confidential information to the United States and would pose a substantial risk of harm to such persons;

"(3) would demonstrably impede current diplomatic negotiations or other ongoing official activities of the United States Government or would demonstrably impair the national security of the United States; or

"(4) would disclose matters that are related solely to the internal personnel rules and practices of the Department of State or are contained in personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

"(c) REVIEW.—

"(1) The Advisory Committee shall review—

"(A) the State Department's declassification procedures,

"(B) all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration which are in effect on the date of enactment of this title, and

"(C) by random sampling, records representative of all Department of State records published, issued, or otherwise prepared by the Department of State that remain classified after 30 years.

"(2) In the event that the Secretary of State considers it necessary to deny access to records under paragraph (1)(C), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

"(d) REPORTING REQUIREMENT.—The Advisory Committee shall annually submit to the Secretary of State a report setting forth its findings from the review conducted under subsection (c).

"(e) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the Secretary of State shall prepare and submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on factors relevant to compliance with this section, and the procedures to be used for implementing the requirements of this section.

"SEC. 405. RELATIONSHIP TO THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT.

"(a) PRIVACY ACT.—Nothing in this title may be construed as requiring the public disclosure of records or portions of records protected under section 552a of title 5, United States Code (relating to the privacy of personal records).

"(b) FREEDOM OF INFORMATION ACT.—

"(1) Except as provided in paragraph (2), no record (or portion thereof) shall be excluded from publication in the FRUS series under section 403, or exempted from the declassification requirement of section 404, solely by virtue of the application of section 552(b) of title 5, United States Code (relating to the exemption of certain matters from freedom of information requirements).

"(2) Records described in section 222(f) of the Immigration and Nationality Act (relating to visa records) shall be excluded from publication in the FRUS series under section 403 and, to the extent applicable, exempted from the declassification requirement of section 404.

"SEC. 406. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) There is established on a permanent basis the Advisory Committee on Historical Diplomatic Documentation for the Department of State. The activities of the Advisory Committee shall be coordinated by the Office of the Historian of the Department of State.

"(2) The Advisory Committee shall be composed of 9 members and an executive secretary. The Historian shall serve as executive secretary.

"(3)(A) The members of the Advisory Committee shall be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States. No officer or employee of the United States Government shall be appointed to the Advisory Committee.

"(B)(i) Six members of the Advisory Committee shall be appointed from lists of individuals nominated by the American Historical Association, the Organization of American Historians, the American Political Science Association, Society of American Archivists, the American Society of International Law, and the Society for Historians of American Foreign Relations. One member shall be appointed from each list.

"(ii) If an organization does not submit a list of nominees under clause (i) in a timely fashion, the Secretary of State shall make an appointment from among the nominees on other lists.

"(b) TERMS OF SERVICE FOR APPOINTMENTS.—

"(1) Except as provided in paragraph (2), members of the Advisory Committee shall be appointed for terms of three years.

"(2) Of the members first appointed, as designated by the Secretary of State at the time of their appointment (after consultation with the appropriate organizations) three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years.

"(3) Each term of service under paragraph (1) shall begin on September 1 of the year in which the appointment is made.

"(4) A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment. A member appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of that term. A member may continue to serve when his or her term expires until a successor is appointed. A member may be appointed to a new term upon the expiration of his or her term.

"(c) SELECTION OF CHAIRPERSON.—The Advisory Committee shall select, from among its members, a chairperson to serve a term of 1 year. A chairperson may be reelected upon expiration of his or her term as chairperson.

"(d) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least quarterly or as frequently as may be necessary to carry out its duties.

"(e) SECURITY CLEARANCES.—

"(1) All members of the Advisory Committee shall be granted the necessary security clearances, subject to the standard procedures for granting such clearances.

"(2) For purposes of any law or regulation governing access to classified records, a member of the Advisory Committee seeking access under this paragraph to a record shall be deemed to have a need to know.

"(f) COMPENSATION.—

"(1) Members of the Advisory Committee—

"(A) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Advisory Committee; and

"(B) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Advisory Committee.

"(2) The Secretary of State is authorized to provide for necessary secretarial and staff assistance for the Advisory Committee.

"(3) The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this title are inconsistent with that Act.

"SEC. 407. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Advisory Committee' means the Advisory Committee on Historical Diplomatic Documentation for the Department of State;

"(2) the term 'Historian' means the Historian of the Department of State or any successor officer of the Department of State responsible for carrying out the functions of the Office of the Historian, Bureau of Public Affairs, of the Department of State, as in effect on the date of enactment of this title;

"(3) the term 'originating agency' means, with respect to a record, the department, agency, or entity of the United States (or any officer or employee thereof of acting in his official capacity) that originates, develops, publishes, issues, or otherwise prepares that record or receives that record from outside the United States Government; and

"(4) the term 'record' includes any written material (including any document, memorandum, correspondence, statistical data, book, or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents.".

(b) PREVIOUS ADVISORY COMMITTEE ON HISTORICAL DIPLOMATIC DOCUMENTATION.—The Advisory Committee on Historical Documentation for the Department of State established before the date of enactment of this Act shall terminate on such date.

(c) COMPLIANCE.—

(1) The Secretary of State shall ensure that the requirements of section 404 of the State Department Basic Authorities Act of 1956 (as amended by this section) are met not later than one year after the date of enactment of this Act. If the Secretary cannot reasonably meet the requirements of such section, he shall so notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and describe how the Department of State intends to meet the requirements of that section. In no event shall full compliance with the requirements of such section take place later than 2 years after the date of enactment of this Act.

(2)(A) In order to come into compliance with section 401(c) of the State Department Basic Authorities Act of 1956 (as amended by this section) the Secretary of State shall ensure that, by the end of the 3-year period beginning on the date of the enactment of this Act, all volumes of the Foreign Relations of the United States historical series (FRUS) for the years that are more than 30 years before the end of that 3-year period have been published.

(B) If the Secretary cannot reasonably meet the requirements of subparagraph (A), the Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and describe how the Department of State plans to meet the requirements of subparagraph (A). In no event shall volumes subject to subparagraph (A) be published later than 5 years after the date of the enactment of this Act.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—The following amounts are authorized to be appropriated for the United States Information Agency (other than for the Voice of America) to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization

Plan Number 2 of 1977, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $423,827,500 for the fiscal year 1992 and $451,294,000 for the fiscal year 1993.

(2) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General" $4,206,000 for the fiscal year 1992 and $4,420,000 for the fiscal year 1993.

(3) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $25,000,000 for the fiscal year 1992 and $31,250,000 for the fiscal year 1993.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $24,500,000 for the fiscal year 1992 and $26,000,000 for the fiscal year 1993.

(b) AUTHORIZATION WITHIN "SALARIES AND EXPENSES" ACCOUNT.—Of the amount authorized to be appropriated by subsection (a)(1), $284,000 is authorized for the fiscal year 1992 for the establishment and operation of a United States Information Agency office in Vientiane, Laos, pursuant to section 216 of this Act, and $307,000 is authorized for fiscal year 1993 for the continued operation of such office.

SEC. 202. REPROGRAMMING OF FUNDS.

Section 705(a)(7) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c(a)(7)) is amended by striking out "$250,000" and inserting in lieu thereof "$500,000".

SEC. 203. AUTHORITY OF THE SECRETARY.

Paragraph (3) of section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by inserting "and television" after "radio".

SEC. 204. BASIC AUTHORITY.

Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

"(22) furnish living quarters as authorized by section 5912 of title 5, United States Code; and

"(23) provide allowances as authorized by sections 5921 through 5928 of title 5, United States Code.".

SEC. 205. PAYMENT OF CERTAIN EXPENSES FOR PARTICIPANTS.

Paragraph (9) of section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended to read as follows:

"(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this Act, the costs of emergency medical expenses, preparation and transport to their former homes of the remains of such participants or their dependents who die while away from their homes during such participation, and health and accident insurance premiums for participants or health and accident benefits for participants by means of a program of self-insurance;".

SEC. 206. USIA POSTS AND PERSONNEL OVERSEAS.

(a) USIA POSTS AND PERSONNEL OVERSEAS.—The United States Information and Educational Exchange Act of 1948 is amended by adding after section 811 the following:

"USIA POSTS AND PERSONNEL OVERSEAS

"SEC. 812. (a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any United States Information Agency post abroad.

"(b) NOTIFICATION.—Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) EXCEPTIONS.—This section shall not apply to any United States Information Agency post closed—

"(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.".

(b) REDUCTIONS IN AMERICAN EMPLOYEES.—Reductions may not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees at the Agency at the same time in 1981.

(c) REPEAL.—Section 204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 1461 note) is repealed.

SEC. 207. IMPLEMENTATION OF BEIRUT AGREEMENT.

The first section of the joint resolution entitled "Joint resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948", approved October 8, 1966 (19 U.S.C. 2051), is amended by adding at the end the following: "In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

"(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

"(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

"(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

"(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or

"(5) because in the opinion of the agency the material is propaganda.

"Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.".

SEC. 208. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

(a) SHORT TITLE.—This section may be cited as the "North/South Center Act of 1991".

(b) PURPOSE.—The purpose of this section is to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study, training, and research, by supporting in Florida a Center for Cultural and Technical Interchange Between North and South where scholars and students in various fields from the nations of the hemisphere may study, give and receive training, exchange ideas and views, and conduct other activities consistent with the objectives of the Mutual Educational and Cultural Exchange Act of 1961 and other Acts promoting international, educational, cultural, scientific, and related activities of the United States.

(c) NORTH/SOUTH CENTER.—In order to carry out the purpose of this section, the Director of the United States Information Agency shall provide for the operation in Florida of an educational institution known as the North/South Center, through arrangements with public, educational, or other nonprofit institutions.

(d) AUTHORITIES.—The Director of the United States Information Agency, in carrying out this section, may utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961. Section 704(b) of the Mutual Security Act of 1960 (22 U.S.C. 2056(b)) shall apply in the administration of this section. In order to carry out the purposes of this section, the North/South Center is authorized to use funds made available under this section to acquire property and facilities, by construction, lease, or purchase.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1992 and $10,000,000 for each subsequent fiscal year to carry out this section. Amounts appropriated under this section are authorized to be available until expended.

(f) REPEAL.—Effective October 1, 1991, the section enacted by the third proviso under the heading "EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is repealed.

SEC. 209. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

Section 810 of the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4509) is repealed.

SEC. 210. CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM.

(a) PURPOSE.—It is the purpose of this section to provide Federal financial assistance to facilitate a program to enable high school and college students from emerging democracies, who are visiting the United States, to spend from one to two weeks in Washington, District of Columbia, observing and studying the workings and operations of the democratic form of government of the United States.

(b) GRANTS.—The Director of the United States Information Agency is authorized to make grants to the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation to carry out the purpose specified in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1992 to carry out this section, of which not more than $500,000 is authorized to be available for obligation or expenditure during that fiscal year. Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 211. PROGRAM REVIEW OF NED.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 201(3), after the submission of the report under subsection (b), there are authorized to be appropriated for the National Endowment for Democracy $5,000,000 for fiscal year 1992.

(b) REPORTING REQUIREMENT.—The National Endowment for Democracy shall submit to the Chairman of the Committee on Foreign Rela-

tions and the Speaker of the House of Representatives a comprehensive report concerning the actions of the National Endowment for Democracy and certain grantees (the Free Trade Union Institute, the Center for International Private Enterprise, the National Republican Institute for International Affairs, and the National Democratic Institute for International Affairs) to comply with the recommendations of the General Accounting Office report of March 1991, entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement".

(c) GENERAL ACCOUNTING OFFICE REPORT.—Not more than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives an evaluation of the actions taken by the National Endowment for Democracy and certain grantees to comply with the General Accounting Office report of March 1991.

(d) ANNUAL AUDIT.—Section 504(g) of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by striking out "may also" and inserting in lieu thereof "shall".

(e) SENSE OF CONGRESS ON PRIVATE DONATIONS.—It is the sense of the Congress that the National Endowment for Democracy should make every effort to solicit private contributions to realize the purposes of the Endowment as set forth in section 502(b) of the National Endowment for Democracy Act.

SEC. 212. USIA GRANTS.

(a) COMPETITIVE GRANT PROCEDURES.—Except as provided in subsection (b), the United States Information Agency shall work to achieve full and open competition in the award of grants.

(b) EXCEPTIONS.—The United States Information Agency may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) or any statute which expressly authorizes or requires that a grant be made with a specified entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) Compliance with grant guidelines.—

(1) After October 1, 1991, grants awarded by the United States Information Agency shall substantially comply with United States Information Agency grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency determines that a grantee has not satisfied the requirement of paragraph (1), the United States Information Agency shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a).

SEC. 213. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY PHOTOGRAPHIC WORKS OF RICHARD SAUNDERS.

(a) DISTRIBUTION TO THE SCHOMBURG CENTER FOR BLACK STUDIES.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Schomburg Center for Black Studies, New York, New York, master copies of the United States Information Agency photographic works of Richard Saunders, a former employee of the United States Information Agency; and

(2) the Schomburg Center for Black Studies, New York, New York, shall reimburse the Director of the United States Information Agency for any expenses of the Agency in making such master copies.

(b) REIMBURSEMENT.—Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 214. ISRAELI ARAB SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—Subject to the availability of funds under subsection (d), there is established in the United States Information Agency a fund to be known as the Israeli Arab Scholarship Fund (hereinafter in this Act referred to as the "fund"). The income from the fund shall be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States to be known as the Israeli Arab Scholarship Program (hereinafter in the section referred to as the "program"). The fund and the program shall be administered by the United States Information Agency in accordance with this section and the Mutual Educational and Cultural Exchange Act of 1961. The fund may accept contributions and gifts from public and private sources.

(b) ADMINISTRATION OF THE FUND.—It shall be the duty of the Director of the United States Information Agency to invest in full amounts made available to the fund. 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. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(c) APPROPRIATIONS FROM THE FUND.—For each fiscal year, there is authorized to be appropriated from the fund for the Israeli Arab Scholarship Program the interest and earnings of the fund.

(d) FUNDING.—Amounts made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, (as amended by section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991) are authorized to be appropriated to the fund.

SEC. 215. ELIGIBILITY OF NED FOR GRANTS.

Section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by adding at the end thereof the following:

"(j) After January 31, 1993, no member of the Board of the Endowment may be a member of the board of directors or an officer of any grantee of the National Endowment for Democracy which receives more than 5 percent of the funds of the Endowment for any fiscal year.".

SEC. 216. ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS.

The Director of the United States Information Agency shall establish an office in Vientiane, Laos, to assist in the propagation of American economic and political values.

PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961 the following amounts:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $37,749,000 for the fiscal year 1992 and $39,308,000 for the fiscal year 1993.

(2) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $110,454,000 for the fiscal year 1992 and $117,297,000 for the fiscal year 1993.

(3) HUBERT H. HUMPHREY FELLOWSHIP PROGRAM.—For the "Hubert H. Humphrey Fellowship Program", $5,682,000 for the fiscal year 1992 and $6,000,000 for the fiscal year 1993.

(4) INTERNATIONAL VISITORS PROGRAM.—For the "International Visitors Program", $45,366,000 for the fiscal year 1992 and $47,650,000 for the fiscal year 1993.

(5) OTHER PROGRAMS.—For "East Europe Training Projects", "Citizen Exchange Programs", and the "Congress-Bundestag Exchange Program", $14,028,000 for the fiscal year 1992 and $14,700,000 for the fiscal year 1993.

(6) WORLD UNIVERSITY GAMES.—For cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York, $2,000,000 for fiscal year 1992 and $2,000,000 for fiscal year 1993, provided that amounts authorized under this subsection are subject to all requirements governing United States Information Agency assistance to private organizations.

(7) NEAR AND MIDDLE EAST PROGRAMS.—For "Near and Middle East Programs", $3,000,000 for fiscal year 1993.

(8) VIETNAM SCHOLARSHIP PROGRAM.—For the "Vietnam Scholarship Program" established by section 229, $300,000 for each of the fiscal years 1992 and 1993.

(9) SOVIET-AMERICAN INTERPARLIAMENTARY EXCHANGES.—For the expenses of Soviet-American Interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress, after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agency, there are authorized to be appropriated $2,000,000 for the fiscal year 1992, of which not more than $1,000,000 shall be available for obligation or expenditure during that fiscal year. Amounts appropriated under this subsection are authorized to be available until expended.

SEC. 222. FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT.

In addition to amounts authorized to be appropriated by section 221(2) for the Fulbright Academic Exchange Programs, $2,700,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 to increase amounts otherwise available for Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

SEC. 223. USIA CULTURAL CENTER IN KOSOVO.

(a) ESTABLISHMENT.—The Director of the United States Information Agency shall establish a cultural center in the capital of Kosovo in Yugoslavia when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a center is established under subsection (a), the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Rela-

tions of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives on progress toward establishment of a center pursuant to subsection (a), including an assessment by the Secretary of State of the risks to physical and personal security of the establishment of such a center.

SEC. 224. CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS.

Section 225(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) by striking out "Of the funds authorized to be appropriated by section 221 for each of the fiscal years 1990 and 1991," and inserting in lieu thereof "Of funds made available to the Bureau of Education and Cultural Affairs to carry out the Mutual Educational and Cultural Exchange Act of 1961, for each of the fiscal years 1992 and 1993"; and

(2) by striking out "shall" each place it appears and inserting in lieu thereof "are authorized to".

SEC. 225. EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT.—The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Director may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Director shall transfer to the fund the amounts appropriated pursuant to the authority of subsection (f) to carry out the exchange program under this section.

(2) GIFTS.—(A) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any sums received by the Director pursuant to subparagraph (A) shall be transferred to the fund.

(3) IN GENERAL.—The Director in investing the corpus and income of the fund, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(d) WITHDRAWALS AND EXPENDITURES.—The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the exchange program described in subsection (a).

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 226. ENHANCED EDUCATIONAL EXCHANGE PROGRAM.

(a) PROGRAMS FOR FOREIGN STUDENTS AND SCHOLARS.—

(1) Not later than September 30, 1993, the number of scholarships provided to foreign students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in the United States shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only—

(A) to students and scholars from the new democracies of Eastern Europe,

(B) to students and scholars from the Soviet Union;

(C) to students and scholars from countries determined by the Associate Director of the Bureau of Educational and Cultural Affairs to be not adequately represented in the foreign student population in the United States.

(b) PROGRAMS FOR UNITED STATES STUDENTS AND SCHOLARS.—

(1) Not later than September 30, 1993, the number of scholarships provided to United States students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in other countries shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only for study, research, and teaching in the new democracies of Eastern Europe, the Soviet Union, and non-European countries.

(c) DEFINITION.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books and supplies, equipment required for courses at an educational institution, and living expenses at a United States or foreign educational institution.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for the Bureau of Educational and Cultural Affairs, there are authorized to be appropriated $2,000,000 for fiscal year 1992 and $2,000,000 for fiscal year 1993 to carry out the purposes of this section. Amounts appropriated under this subsection are authorized to be available until expended.

SEC. 227. LAW AND BUSINESS TRAINING PROGRAM FOR GRADUATE STUDENTS FROM THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA.

(a) STATEMENT OF PURPOSE.—The purpose of this section is to establish a scholarship program designed to bring students from the Soviet Union, Lithuania, Latvia, and Estonia to the United States for study in the United States.

(b) SCHOLARSHIP PROGRAM AUTHORITY.—Subject to the availability of appropriations under subsection (d), the President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education together with private and public sector internships by nationals of the Soviet Union, Lithuania, Latvia, and Estonia who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(c) GUIDELINES.—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency should develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic reform and political development in the Soviet Union, Lithuania, Latvia, and Estonia, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics, Lithuania, Latvia, and Estonia.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this section that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

(d) FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.—There are authorized to be appropriated to the United States Information Agency $7,000,000 for fiscal year 1992, and $7,000,000 for fiscal year 1993, to carry out this section.

(e) COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.—Any authority provided by this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 228. NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

(a) NEAR AND MIDDLE EAST STUDIES.—The Director of the United States Information Agency may expend from the amount authorized for the Bureau of Educational and Cultural Affairs, such sums as are appropriate to assist graduate and postdoctoral studies by United States scholars on the Near and Middle East.

(b) REPORT.—The Director of the United States Information Agency shall prepare and submit to the President and the Congress at the end of each fiscal year in which assistance is provided under subsection (a) a report concerning such assistance.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the

Director of the United States Information Agency, in consultation with qualified government agencies and appropriate private organizations and individuals, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives recommendations concerning the conduct of educational and cultural exchange programs administered and funded by the Agency.

(d) DEFINITION.—For purposes of this section, the term "Near and Middle East" refers to the region consisting of those countries and peoples covered by the Bureau of Near Eastern and South Asian Affairs of the Department of State on the day before the date of the enactment of this Act.

SEC. 229. SCHOLARSHIPS FOR VIETNAMESE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1992 and 1993, 15 scholarships for Vietnamese residents in Vietnam qualified to study in the United States for the purpose of studying in the United States. Each scholarship made available under this subsection shall be for not less than one semester of study in a United States college or university.

(b) PREFERENCE IN AWARDING SCHOLARSHIPS.—In awarding scholarships under this section, preference shall be given to candidates intending to pursue studies in economics and commercial law.

PART C—BUREAU OF BROADCASTING

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Information Agency for the Bureau of Broadcasting for carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act the following amounts:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $196,942,000 for the fiscal year 1992 and $216,815,000 for the fiscal year 1993.

(2) TELEVISION AND FILM SERVICE.—For "Television and Film Service", $33,185,000 for the fiscal year 1992 and $34,476,000 for the fiscal year 1993.

(3) ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES.—For "Acquisition and Construction of Radio Facilities", $98,043,000 for the fiscal year 1992 and $103,000,000 for the fiscal year 1993.

(4) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $38,988,000 for the fiscal year 1992 and $34,525,000 for the fiscal year 1993.

SEC. 232. TELEVISION BROADCASTING TO CUBA ACT.

Section 247 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465ee) is amended by adding at the end thereof the following:

"(c) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the purposes of this part are authorized to be available until expended.".

SEC. 233. YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA.

The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America.

SEC. 234. VOICE OF AMERICA BROADCASTS IN KURDISH.

(a) FINDINGS.—The Congress finds that—

(1) more than 20 million Kurds have no source of reliable and accurate news and information in their own language;

(2) the Kurdish people have been subject to extreme repression, including the denial of fundamental cultural and human rights, the extensive destruction of villages, and the mass killing of Kurds by the Iraqi regime; and

(3) the Voice of America provides an effective means by which the Kurdish people may be informed of events in the free world and pertaining to their own situation.

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than 1 hour each day.

(d) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than 90 days after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section.

(e) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(f) SURROGATE HOME SERVICE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than 2 hours a day.

SEC. 235. REPORTS ON THE FUTURE OF INTERNATIONAL BROADCASTING.

(a) REPORT ON INTERNATIONAL BROADCASTING.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives the report of the Policy Coordinating Committee on International Broadcasting.

(b) REPORT ON UNITED STATES GOVERNMENT BROADCASTING.—The President's Task Force on United States Government International Broadcasting shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a complete text of its report to the President on United States Government Broadcasting.

PART D—BOARD FOR INTERNATIONAL BROADCASTING

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out the purposes of this Act and the Inspector General Act of 1978—

"(A) $212,491,000 for fiscal year 1992 and $221,203,000 for fiscal year 1993 (at April 2, 1991 exchange rates) and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates; and

"(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.".

(b) BUDGET ACT COMPLIANCE.—Section 8(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The authorities of paragraph (1) may be exercised only in such amounts and to such extent as provided for in advance in an appropriations Act.".

SEC. 242. BOARD FOR INTERNATIONAL BROADCASTING ACT.

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

"(b) Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1), which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated, shall be certified to the Congress by the Director of the Office of Management and Budget and shall—

"(1) be placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year; or

"(2) be used to make payments to RFE/RL's United States and German pension plans in order to avoid future pension liabilities.

Any such amount placed in reserve may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.".

SEC. 243. BROADCASTING TO CHINA.

(a) COMMISSION ON BROADCASTING TO THE PEOPLE'S REPUBLIC OF CHINA.—

(1) ESTABLISHMENT.—There is established a Commission on Broadcasting to the People's Republic of China (hereafter in this title referred to as the "Commission") which shall be an independent commission in the executive branch.

(2) MEMBERSHIP.—The Commission shall be composed of 11 members from among citizens of the United States who shall, within 45 days of the enactment of this Act, be appointed in the following manner:

(A) The President shall appoint 3 members of the Commission.

(B) The Speaker of the House of Representatives shall appoint 2 members of the Commission.

(C) The Majority Leader of the Senate shall appoint 2 members of the Commission.

(D) The Minority Leader of the House of Representatives shall appoint 2 members of the Commission.

(E) The Minority Leader of the Senate shall appoint 2 members of the Commission.

(3) CHAIRPERSON.—The President, in consultation with the congressional leaders referred to in subsection (b), shall designate 1 of the members to be the Chairperson.

(4) QUORUM.—A quorum, consisting of at least half of the members who have been appointed, shall be required for the transaction of business.

(5) VACANCIES.—Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

(b) FUNCTIONS.—

(1) PURPOSE.—The Commission shall examine the feasibility, effect, and implications for United States foreign policy of instituting a radio broadcasting service to the People's Republic of China, as well as to other communist countries in Asia, to promote the dissemination of information and ideas, with particular emphasis on developments within each of those nations.

(2) SPECIFIC ISSUES TO BE EXAMINED.—The Commission shall examine all issues related to instituting such a service, including—

(A) program content;

(B) staffing and legal structure;

(C) transmitter and headquarters requirements;

(D) costs;

(E) expected effect on developments within China and on Sino-American relations; and

(F) expected effect on developments within other communist countries in Asia and on their relations with the United States.

(3) METHODOLOGY.—The Commission shall conduct such studies, inquiries, hearings, and meetings as it considers necessary.

(4) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the President of the Senate a report describing its activities in carrying out the purpose of paragraph (1) and including recommendations regarding the issues of paragraph (2).

(c) ADMINISTRATION.—

(1) COMPENSATION AND TRAVEL EXPENSES.—

(A) GENERAL PROVISION.—

(i) Except as provided in subparagraph (B), members shall each receive compensation at a rate of 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 such member is engaged in the actual performance of the duties of the Commission; and

(ii) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) LIMITATION.—Any member of the Commission who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Commission.

(2) SUPPORT FROM EXECUTIVE AND LEGISLATIVE BRANCHES.—

(A) EXECUTIVE AGENCIES.—Executive agencies shall, to the extent the President considers appropriate and as permitted by law, provide the Commission with appropriate information, advice, and assistance.

(B) CONGRESSIONAL COMMITTEES.—As may be considered appropriate by the chairpersons, committees of Congress may provide appropriate information, advice, and assistance to the Commission.

(3) EXPENSES.—Expenses of the Commission shall be paid from funds available to the Department of State.

(d) TERMINATION.—The Commission shall terminate upon submission of the report under subsection (b).

SEC. 244. POLICY ON RADIO FREE EUROPE.

It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should maintain its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

TITLE III— MISCELLANEOUS FOREIGN POLICY PROVISIONS

PART A—FOREIGN POLICY PROVISIONS

SEC. 301. PERSIAN GULF WAR CRIMINALS.

(a) INTERNATIONAL CRIMINAL TRIBUNAL.—

(1) PROPOSAL FOR ESTABLISHMENT.—It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

(2) ALTERNATIVE MEANS FOR ESTABLISHMENT.—If the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, it is the sense of the Congress that the President should work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

(b) DESIGNATION OF RESPONSIBILITY AT STATE DEPARTMENT.—The Secretary of State shall designate a high level official with responsibility for—

(1) the development of a proposal for the prosecution of Persian Gulf War criminals in an international tribunal, including proposing in the United Nations the establishment of such a tribunal, and advising the United States Permanent Representative to the United Nations in any discussion or negotiations concerning such matters;

(2) advising the President on the appropriate jurisdiction for the prosecution of Persian Gulf war criminals; and

(3) supporting and facilitating United States implementation of its duties and responsibilities with respect to any tribunal which may be established for the prosecution of Persian Gulf war criminals.

(c) PRESIDENTIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed under subsection (b)(1);

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

SEC. 302. BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON.

(a) IN GENERAL.—Section 599C of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended—

(1) in subsection (a), by adding at the end of the first sentence "during fiscal year 1991 and hereafter";

(2) in paragraphs (3) and (4) of subsection (b), by striking out "During" each place it appears and inserting in lieu thereof "Except as provided in paragraph (5), during";

(3) by adding at the end of subsection (b) the following new paragraph:

"(5) For purposes of the application of paragraphs (3) and (4) to United States hostages captured in Lebanon, the period of entitlement of benefits, subject to the availability of funds, shall be the period of an individual's hostage status, plus a 60-month period following the termination of the hostage status of that individual.";

(4) in subsection (d), by amending paragraph (4)(B) to read as follows:

"(B) the term 'United States hostages captured in Lebanon' means United States nationals, including lawful permanent residents of the United States, who have been forcibly detained, held hostage, or interned for any period of time after June 1, 1982, by any government (including the agents thereof) or group in Lebanon for the purpose of coercing the United States Government or any other government."; and

(5) in subsection (e), by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other provision of law, funds allocated under paragraph (1) are authorized to remain available until expended.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have become effective as of the date of enactment of the Foreign Operations Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

SEC. 303. REPORTS CONCERNING CHINA.

(a) REPORT TO CONGRESS.—Not later than May 1, 1992 and May 1, 1993, the President shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) Human rights, including—

(A) the surveillance, intimidation, and harassment of Chinese citizens living within China because of their pro-democracy activities;

(B) the surveillance, intimidation, and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities;

(C) the use of torture or other cruel, inhuman, or degrading treatment or punishment;

(D) political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese Government for their pro-democracy activities;

(E) prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(F) the use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(G) the Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(H) the detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religious belief.

(2) Weapons proliferation—

(A) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(i) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(ii) technologies capable of producing weapons-grade nuclear material; and

(iii) technology and materials needed for the production or use of chemical and biological arms.

(B) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(i) the Missile Technology Control Regime;

(ii) the Australia Group on Chemical and Biological arms proliferation; and

(iii) the Nuclear Suppliers Group.

(3) Restrictions on trade between the United States and China, which are not described in the National Trade Estimate Report required under section 181 of the Trade Act of 1974, including—

(A) internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(B) regulations established since 1988 to ensure strict control over more than 100 categories of products;

(C) excessive duties imposed on imports to China;

(D) excessive licensing requirements for imported goods;

(E) restrictions on private ownership of property, including capital;

(F) section 301 violations, including attempts to evade United States import quotas; and

(G) protection for intellectual property.

(b) HISTORICAL BACKGROUND.—The report shall also include—

(1) a compendium of the most significant actions taken by the Chinese government since the Tiananmen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade); and

(2) a list of the most significant United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(c) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—The "appropriate congressional committees" referred to in subsection (a) shall include the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

SEC. 304. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) REPORTS TO CONGRESS.—Beginning 90 days after the date of enactment of this Act and every 365 days thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives a report describing the nature and extent of assets held in the United States by terrorist countries and any organization engaged in international terrorism.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "terrorist countries", refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act; and

(2) the term "international terrorism" has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

PART B—ARMS CONTROL AND PROLIFERATION

SEC. 321. LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES.

Section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of each of paragraphs (1) and (2) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" immediately after "(f)" RESCISSION.—"; and

(4) by adding at the end thereof the following new paragraph:

"(2)(A) No rescission under paragraph (1)(B) of a determination under subsection (d) may be made if the Congress, within 45 days after receipt of a report under paragraph (1)(B), enacts a joint resolution the matter after the resolving clause of which is as follows: 'That the proposed rescission of the determination under section 40(d) of the Arms Export Control Act pursuant to the report submitted to the Congress on is hereby prohibited.', the blank to be completed with the appropriate date.

"(B) A joint resolution described in subparagraph (A) and introduced within the appropriate 45-day period shall be considered in the Senate and the House of Representatives in accordance with paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act (as contained in Public Law 98-473), except that references in such paragraphs to the Committees on Appropriations of the House of Representatives and the Senate shall be deemed to be references to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.".

SEC. 322. POLICY ON MIDDLE EAST ARMS SALES.

In recognition of the particular volatility of the Middle East, the tremendous cost in human lives and suffering in the aftermath of the aggression by Iraq, and the imperative that stability be maintained in the region while the course toward lasting peace is pursued, the authority to make sales under the Arms Export Control Act or to furnish military assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 shall be exercised with regard to the Middle East for the objectives set forth in law and that the President should—

(1) transfer defense articles and services only to those nations that have given reliable assurances that such articles will be used only for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security;

(2) transfer defense articles and services to nations in the region only after it has been determined that such transfers will not contribute to an arms race, will not increase the possibility of outbreak or escalation of conflict and will not prejudice the development of bilateral or multilateral arms control arrangements; and

(3) take steps to ensure that each nation of the Middle East that is a recipient of United States defense articles and services—

(A) affirms the right of all nations in the region to exist within safe and secure borders; and

(B) supports or is engaged in direct regional peace negotiations.

SEC. 323. MISSILE TECHNOLOGY.

(a) ACQUISITION.—Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,".

(b) NONMARKET ECONOMIES.—Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with non-market economies (excluding former members of the Warsaw Pact) ".

(c) MILITARY AIRCRAFT.—Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

SEC. 324. REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices".

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

SEC. 325. REPORT ON SS-23 MISSILES.

Pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide a classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.

PART C—DECLARATIONS OF CONGRESS

SEC. 351. RECIPROCAL DIPLOMATIC STATUS WITH MEXICO.

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited in the same manner and accorded the same status as United States diplomatic and consular personnel serving as official representatives at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accredited in the same manner and accorded the same diplomatic and consular status as United States Drug Enforcement Administration personnel serving in Mexico.

SEC. 352. UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA.

It is the sense of the Congress that in the aftermath of the reestablishment of full diplomatic relations between the United States and Lithuania, Latvia, and Estonia, the United States Government, including the Secretary of State, the Director of the United States Information Agency, and the Director of the Foreign Commercial Service, should provide in Lithuania, Latvia, and Estonia—

(1) an embassy and full complement of embassy staff and personnel;

(2) cultural and information officers for the purpose of expanding cultural contacts and promoting citizen, academic, professional, and other exchange programs between the United States and Lithuania, Latvia, and Estonia; and

(3) commercial representatives for the purpose of expanding commercial and trade relations between the United States and Lithuania, Latvia, and Estonia.

SEC. 353. LAOTIAN-AMERICAN RELATIONS.

It is the sense of the Congress that the President, in recognition of the constructive changes taking place in Laos, should—

(1) upgrade the current American diplomatic representation in Vientiane, Laos, from Charge d'Affaires to the level of Ambassador;

(2) ensure that an American military attache is permanently assigned to the United States mission in Vientiane to assist the recovery of American prisoners of war and missing in action; and

(3) ensure that Drug Enforcement Agency personnel are permanently assigned, when prac-

ticable, to the United States mission in Vientiane for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

SEC. 354. POW/MIA STATUS.

It is the sense of the Congress that—

(1) the United States should continue to give the highest national priority to accounting as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to securing the return of any Americans who may still be held captive in Southeast Asia;

(2) the United States should ensure that there is a viable sustained process of joint cooperation with the Socialist Republic of Vietnam and the Lao People's Democratic Republic to achieve credible answers for the families of America's servicemen and civilians who are missing or otherwise unaccounted for, including primary-next-of-kin access to all records and information resulting from the process of joint investigations, surveys, and excavations;

(3) the United States should encourage and provide all necessary assistance to the families of POW/MIAs and to American veterans organizations, such as the American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America in their efforts to account for POW/MIAs;

(4) General John Vessey should be highly commended for his personal commitment to resolving the POW/MIA issue;

(5) the United States should develop a means to obtain the fullest possible accounting for Americans who are listed as missing or otherwise unaccounted for in Cambodia, without placing this humanitarian objective into conflict with United States efforts to obtain an acceptable political settlement of the Cambodian situation; and

(6) the United States should heighten responsible public awareness of the Americans still missing or otherwise unaccounted for in Southeast Asia through the dissemination of factual data.

SEC. 355. CHINA'S ILLEGAL CONTROL OF TIBET.

It is the sense of the Congress that—

(1) Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, is an occupied country under the established principles of international law;

(2) Tibet's true representatives are the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people;

(3) Tibet has maintained throughout its history a distinctive and sovereign national, cultural, and religious identity separate from that of China and, except during periods of illegal Chinese occupation, has maintained a separate and sovereign political and territorial identity;

(4) historical evidence of this separate identity may be found in Chinese archival documents and traditional dynastic histories, in United States recognition of Tibetan neutrality during World War II, and in the fact that a number of countries including the United States, Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, and Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese government;

(5) in 1949–1950, China launched an armed invasion of Tibet in contravention of international law;

(6) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another; and

(7) numerous United States declarations since the Chinese invasion have recognized Tibet's right to self-determination and the illegality of China's occupation of Tibet.

SEC. 356. RELEASE OF PRISONERS HELD IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in addition to other requirements of law, the President should not lift United States economic sanctions currently in place against the Iraqi government, and should continue to make every effort to ensure the multinational coalition maintains the full range of economic sanctions as embodied in the appropriate United Nations Security Council resolutions; and

(2) such sanctions should remain in effect until the Iraqi government has released all individuals held prisoner and has accounted as fully as possible for all those missing as a result of Iraq's invasion of Kuwait, including those Kuwaiti citizens and other Kuwaiti residents captured or detained by Iraq.

(b) REPORT TO CONGRESS.—The Secretary of State shall—

(1) continue to consult with the International Committee of the Red Cross (ICRC) on the status of a detailed list of all Kuwaiti citizens and other residents of Kuwait believed to have been captured or detained by the government of Iraq; and

(2) to the extent such information is available, submit a report on the steps which have been taken and planned actions to effect the release of remaining prisoners held by Iraq to the appropriate committees of the Congress not later than 180 days after the date of the enactment of this Act.

(c) DEFINITION.—For the purposes of this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 357. POLICY TOWARD HONG KONG.

It is the sense of the Congress that the United States should encourage the Government of the United Kingdom to provide the people of Hong Kong all possible civil liberties, including popular election of the territory's Legislative Council, so that it will bequeath a fully functioning, self-governing democracy to China in 1997.

SEC. 358. POLICY TOWARD TAIWAN.

It is the sense of Congress that—

(1) Taiwan's economic dynamism is a tribute to the success of the postwar United States assistance program and to Taiwan's commitment to an international system of free trade;

(2) Taiwan's economic growth has made it in recent years an indispensable part of regional and international networks of trade, investment, and finance; and

(3) the United States should support Taiwan's interest in playing a role in international and regional economic organizations.

SEC. 359. HUMAN RIGHTS ABUSES IN EAST TIMOR.

(a) FINDINGS.—The Congress finds that—

(1) many tens of thousands out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of intermittent conflict continues to exist in East Timor; and

(5) the Governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to continue and expand cooperation with international humanitarian relief and development organizations seeking to work in East Timor; and,

(3) the Administration should encourage the Secretary General of the United Nations and the governments of Indonesia, Portugal, and other involved parties, to arrive at an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

SEC. 360. SUPPORT FOR NEW DEMOCRACIES.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations, particularly the Conference on Security and Cooperation in Europe (CSCE) and independence for all republic-level governments which seek such status;

(2) to shape its foreign assistance and other programs to support those republics that pursue a democratic and market-oriented course of development, and demonstrate a commitment to abide by the rule of law; and

(3) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and Lithuania, Latvia, and Estonia and republic-level governments;

(4) to condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination; and

(5) to view the threatened and actual use of force to suppress the self-determination of republic-level governments and Lithuania, Latvia, and Estonia as an obstacle to fully normalized United States-Soviet relations.

SEC. 361. POLICY REGARDING UNITED STATES ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA.

(a) CONGRESSIONAL STATEMENT.—An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions.

(b) DECLARATION OF UNITED STATES POLICY.—It is the policy of the United States, to the extent feasible and consistent with United States national interest, that—

(1) assistance to the Soviet Union and Yugoslavia, including their successor entities or any constituent part, shall be conditioned on significant steps toward political pluralism based on a democratic multi-party political system, economic reform based on a market-oriented economy, respect for internationally recognized human rights and a willingness to build a friendly relationship with the United States; and

(2) expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

SEC. 362. POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the release of all political prisoners and the resolution of controversy about who is eligible for release as a political prisoner;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners in South of Africa; and

(3) satisfactory resolution between the South African government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

SEC. 363. UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—The Congress finds that—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) POLICY.—It is the sense of the Congress that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the Council of the North Atlantic Treaty Organization has officially announced how, when, and where such tactical nuclear systems will be deployed.

SEC. 364. UNITED STATES SUPPORT FOR UNCED.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations Conference on Environment and Development (hereinafter in this section referred to as "UNCED") is scheduled to meet in June 1992 in Rio de Janeiro, Brazil; and

(2) UNCED affords a major opportunity to shape international environmental policy as an underpinning of sustainable development for well into the next century.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should seek to integrate environmental principles and considerations into all spheres of international economic activity;

(2) the President should accord the UNCED process high-level attention and priority within the executive branch;

(3) the United States should exercise a leadership role in preparations for the June 1992 meeting of the UNCED;

(4) the United States should carefully consider what it hopes to achieve through the UNCED and how United States national security interests may best be advanced in deliberations in that conference;

(5) the United States should seek ways to forge a global partnership and international cooperation among developing and industrialized nations on behalf of environmentally sound economic development;

(6) the United States should actively pursue creative approaches to the spectrum of UNCED issues which the conference will address, and in particular seek innovative solutions to the key cross-sectorial issues of technology transfer and financial resources;

(7) the United States should consider how best to strengthen international legal and institutional mechanisms to effectively address the range of UNCED issues beyond the 1992 Conference and into the next century;

(8) the United States should promote broad international participation in the UNCED process at all levels, from grass roots to national;

(9) the Agency for International Development should assume an appropriate role in the preparations for the June 1992 meeting of the UNCED, in view of the mandate and expertise of that agency regarding the twin conference themes of international environment and development; and

(10) the executive branch should consider funding for appropriate activities related to the UNCED in amounts which are commensurate with United States responsibilities in the world, as such funds can engender good will and further our national interests and objectives in the UNCED process.

TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION

SEC. 401. FINDINGS.

The Congress finds that—

(1) nations in the Middle East and Persian Gulf region, which accounted for over 40 percent of the international trade in weapons and related equipment and services during the decade of the 1980's, are the principal market for the worldwide arms trade;

(2) regional instability, large financial resources, and the desire of arms-supplying governments to gain influence in the Middle East and Persian Gulf region, contribute to a regional arms race;

(3) the continued proliferation of weapons and related equipment and services contribute further to a regional arms race in the Middle East and Persian Gulf region that is politically, economically, and militarily destabilizing;

(4) the continued proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons, poses an urgent threat to security and stability in the Middle East and Persian Gulf region;

(5) the continued proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads undermines security and stability in the Middle East and Persian Gulf region;

(6) future security and stability in the Middle East and Persian Gulf region would be enhanced by establishing a stable military balance among regional powers by restraining and reducing both conventional and unconventional weapons;

(7) security, stability, peace, and prosperity in the Middle East and Persian Gulf region are important to the welfare of the international economy and to the national security interests of the United States;

(8) future security and stability in the Middle East and Persian Gulf region would be enhanced through the development of a multilateral arms transfer and control regime similar to those of the Nuclear Suppliers' Group, the Missile Technology Control Regime, and the Australia Chemical Weapons Suppliers Group;

(9) such a regime should be developed, implemented, and agreed to through multilateral negotiations, including under the auspices of the 5 permanent members of the United Nations Security Council;

(10) confidence-building arms control measures such as the establishment of a centralized arms trade registry at the United Nations, greater multinational transparency on the transfer of defense articles and services prior to agreement or transfer, cooperative verification measures, advanced notification of military exercises, information exchanges, on-site inspections, and creation of a Middle East and Persian Gulf Conflict Prevention Center, are important to implement an effective multilateral arms transfer and control regime;

(11) as an interim step, the United States should consider introducing, during the ongoing negotiations on confidence security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of military equipment, particularly to the Middle East and Persian Gulf region; and

(12) such a regime should be applied to other regions with the ultimate objective of achieving an effective global arms transfer and control regime, implemented and enforced through the United Nations Security Council, that—

(A) includes a linkage of humanitarian and developmental objectives with security objectives in Third World countries, particularly the poorest of the poor countries; and

(B) encourages countries selling military equipment and services to consider the following factors before making conventional arms sales: the security needs of the purchasing countries, the level of defense expenditures by the purchasing countries, and the level of indigenous production of the purchasing countries

SEC. 402. MULTILATERAL ARMS TRANSFER AND CONTROL REGIME.

(a) IMPLEMENTATION OF THE REGIME.—

(1) CONTINUING NEGOTIATIONS.—The President shall continue negotiations among the 5 permanent members of the United Nations Security Council and commit the United States to a multilateral arms transfer and control regime for the Middle East and Persian Gulf region.

(2) PROPOSING A TEMPORARY MORATORIUM DURING NEGOTIATIONS.—In the context of these negotiations, the President should propose to the 5 permanent members of the United Nations Security Council a temporary moratorium on the sale and transfer of major military equipment to nations in the Middle East and Persian Gulf region until such time as the 5 permanent members agree to a multilateral arms transfer and control regime.

(b) PURPOSE OF THE REGIME.—The purpose of the multilateral arms transfer and control regime should be—

(1) to slow and limit the proliferation of conventional weapons in the Middle East and Persian Gulf region with the aim of preventing destabilizing transfers by—

(A) controlling the transfer of conventional major military equipment;

(B) achieving transparency among arms suppliers nations through advanced notification of agreement to, or transfer of, conventional major military equipment; and

(C) developing and adopting common and comprehensive control guidelines on the sale and transfer of conventional major military equipment to the region;

(2) to halt the proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons and the technologies necessary to produce or assemble such weapons;

(3) to limit and halt the proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads;

(4) to maintain the military balance in the Middle East and Persian Gulf region through reductions of conventional weapons and the elimination of unconventional weapons; and

(5) to promote regional arms control in the Middle East and Persian Gulf region.

(c) ACHIEVING THE PURPOSES OF THE REGIME.—

(1) CONTROLLING PROLIFERATION OF CONVENTIONAL WEAPONS.—In order to achieve the purposes described in subsection (b)(1), the United States should pursue the development of a multilateral arms transfer and control regime which includes—

(A) greater information-sharing practices among supplier nations regarding potential arms sales to all nations of the Middle East and Persian Gulf region;

(B) applying, for the control of conventional major military equipment, procedures already developed by the International Atomic Energy Agency, the Multilateral Coordinating Committee on Export Controls (COCOM), and the Missile Technology Control Regime (MTCR); and

(C) other strict controls on the proliferation of conventional major military equipment to the Middle East and Persian Gulf region.

(2) HALTING PROLIFERATION OF UNCONVENTIONAL WEAPONS.—In order to achieve the purposes described in subsections (b)(2) and (3), the United States should build on existing and future agreements among supplier nations by pursuing the development of a multilateral arms transfer and control regime which includes—

(A) limitations and controls contained in the Enhanced Proliferation Control Initiative;

(B) limitations and controls contained in the Missile Technology Control Regime (MTCR);

(C) guidelines followed by the Australia Group on chemical and biological arms proliferation;

(D) guidelines adopted by the Nuclear Suppliers Group (the London Group); and

(E) other appropriate controls that serve to halt the flow of unconditional weapons to the Middle East and Persian Gulf region.

(3) PROMOTION OF REGIONAL ARMS CONTROL AGREEMENTS.—In order to achieve the purposes described in subsections (b)(4) and (5), the United States should pursue with nations in the Middle East and Persian Gulf region—

(A) the maintenance of the military balance within the region, while eliminating nuclear, biological, and chemical weapons and associated delivery systems, and ballistic missiles;

(B) the implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises in the Middle East and the Persian Gulf; and

(C) other useful arms control measures.

(d) MAJOR MILITARY EQUIPMENT.—As used in this title, the term "major military equipment" means—

(1) air-to-air, air-to-surface, and surface-to-surface missiles and rockets;

(2) turbine-powered military aircraft;

(3) attack helicopters;

(4) main battle tanks;

(5) submarines and major naval surface combatants;

(6) nuclear, biological, and chemical weapons; and

(7) such other defense articles and defense services as the President may determine.

SEC. 403. LIMITATION ON UNITED STATES ARMS SALES TO THE REGION.

Beginning 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, no sale of any defense article or defense service may be made to any nation in the Middle East and Persian Gulf region, and no license may be issued for the export of any defense article or defense service to any nation in the Middle East and Persian Gulf region, unless the President—

(1) certifies in writing to the relevant congressional committees that the President has undertaken good faith efforts to convene a conference for the establishment of an arms suppliers regime having elements described in section 402; and

(2) submits to the relevant congressional committees a report setting forth a United States plan for leading the world community in establishing such a multilateral regime to restrict transfers of advanced conventional and unconventional arms to the Middle East and Persian Gulf region.

SEC. 404. REPORTS TO THE CONGRESS.

(a) QUARTERLY REPORTS.—Beginning on January 15, 1992, and quarterly thereafter through October 15, 1993, the President shall submit to the relevant congressional committees a report—

(1) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(2) describing efforts by the United States and progress made to induce other countries to curtail significantly the volume of their arms sales to the Middle East and Persian Gulf region, and if such efforts were not made, the justification for not making such efforts.

(b) INITIAL REPORT ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Not later than 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, the President shall submit to the relevant congressional committee a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year and the previous 5 calendar years, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfers documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b);

(4) describing any agreements establishing such a regime; and

(5) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

(c) ANNUAL REPORTS ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Beginning July 15, 1992, and every 12 months thereafter, the President shall submit to the relevant congressional committees a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfer documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(4) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

SEC. 405. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

As used in this title, the term "relevant congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL

SEC. 501. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 502. PURPOSES.

The purposes of title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

SEC. 503. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 504. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (m) through (r) as subsections (n) through (s), respectively; and

(2) by inserting after subsection (l) the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 505. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11C. (a) IMPOSITION OF SANCTION.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTION IS TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTION.—

"(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7 the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTION.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTIONS ARE TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTION.—

"(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of a sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

SEC. 506. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 507 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 507.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive

branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 507. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) INITIAL SANCTIONS.—If, at any time, the President makes a determination pursuant to section 506(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(b) ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.—

(1) PRESIDENTIAL DETERMINATION.—Unless, within 3 months after making a determination pursuant to section 506(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (E) of paragraph (2).

(2) SANCTIONS.—The sanctions referred to in paragraph (1) are the following:

(A) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(C) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all goods and technology not otherwise prohibited under subsection (a)(5) (excluding food and other agricultural commodities and products).

(D) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(E) PRESIDENTIAL ACTION REGARDING AVIATION.—(i)(I) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 506(a)(1) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 506(a)(1), in accordance with the provisions of that agreement.

(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms "air transportation", "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, except that such procedures shall not apply to a waiver of the sanction specified in subsection (b)(2)(D) (relating to the downgrading or suspension of diplomatic relations); or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c).

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in paragraph (4) or (5) of subsection (a) or in any of subparagraphs (A) through (C) of subsection (b)(2) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 506(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by section 504(b) of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs

(1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 506(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

SEC. 508. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

And the Senate agree to the same.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment and modifications committed to conference:

DANTE B. FASCELL,
HOWARD L. BERMAN,
TED WEISS,
MERVYN M. DYMALLY,
ENI FALEOMAVAEGA,
TOM LANTOS,
BILL BROOMFIELD,
OLYMPIA SNOWE,
BEN GILMAN,
CHRISTOPHER SMITH,

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 128, 915, and 1042 of the Senate amendment and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
JIM LEACH,
DOUGLAS BEREUTER,

From the Committee on the Judiciary, for consideration of secs. 126, 171, and 208 of the House bill, and secs. 123–25, 143–44, and 711–12 of the Senate amendment and modifications committed to conference.

JACK BROOKS,
ROMANO L. MAZZOLI,
MIKE KOPETSKI,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

From the Committee on Post Office and Civil Service, for consideration of secs. 118 and 121, and part D of title I of the House bill, and secs. 119 and 920, and part D of title I of the Senate amendment and modifications committed to conference:

WILLIAM L. CLAY,
GERRY SIKORSKI,
GARY L. ACKERMAN,
FRANK HORTON,
JOHN T. MYERS,

From the Committee on Ways and Means, for consideration of secs. 621, 913, 925 and 1104 of the Senate amendment and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

CLAIBORNE PELL,
JOHN F. KERRY,
PAUL SIMON,
DANIEL PATRICK MOYNIHAN,
JOSEPH R. BIDEN, Jr.,
PAUL SARBANES,
CHRISTOPHER J. DODD,
JESSE HELMS,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,
LARRY PRESSLER,
FRANK H. MURKOWSKI,
HANK BROWN,

From the Committee on Banking, Housing, and Urban Affairs, solely for the consideration of title X:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

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 amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, 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:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS; RESTRICTIONS

The House bill (sections 101–105, 201, 221, 231 and 241) authorizes a total of $5,493,363,000 for fiscal year 1992 and $4,444,383 for fiscal year 1993 for the Department of State, USIA, and BIB.

The Senate amendment (sections 101–105, 201, 221, 231 and 241) authorizes a total of $5,582,382,000 for fiscal year 1992 and $5,580,750,000 for fiscal year 1993 for the Department of State, USIA, and BIB.

The conference substitute (sections 101–105, 201, 221, 231 and 241) authorizes $5,496,878,500 in fiscal year 1992 and $5,779,898,000 for fiscal year 1993 for the Department of State, USIA, and BIB.

In addition, the conferees assume a further $110,966,000 for fiscal year 1992 and $131,808,000 for fiscal year 1993 in authorization for "Acquisition and Maintenance of Buildings Abroad" under section 401 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. The conferees also assume a further $2.75 million for fiscal year 1992 in authorization for "Bilateral Science and Technology" under the Support for East European Democracy Act of 1989.

The conference substitute incorporates the following caps, subauthorizations and limitations:

(1) A specific $4 million subauthorization for each fiscal year for Counterterrorism Research and Development.

(2) A $2 million cap on travel, representation and gift expenditures from the "Emergencies in the Diplomatic and Consular Service" account.

(3) A specific $10 million subauthorization for each fiscal year for language training.

(4) Caps of $4,100,000 for FY 1992 and $5,400,000 for FY 1993 for procurement of equipment for the Beltsville information management center.

(5) A specific $750,000 subauthorization for FY 1992 for shared costs of Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings.

(6) A specific $1,500,000 subauthorization for minority recruitment into the Foreign Service.

(7) A specific $575,000 subauthorization for U.S. participation in the United Nations Conference on Environment and Development (UNCED).

(8) Caps of $41.5 million in FY 1992 and $44.7 million in FY 1993 on Foreign Buildings Office (FBO) administrative expenditures.

(9) A cap of $55,466,000 in FY 1992 for new FBO capital programs.

(10) A reprogramming requirement for any FBO expenditures for the opening of new posts in the Baltic republics, as well as the republics and former republics of the U.S.S.R.

(11) A $5 million subauthorization for each fiscal year for Armenian resettlement.

(12) An authorization of $80 million for FY 1992 and $90 million for FY 1993 for refugees resettling in Israel.

(13) An authorization of $1.75 million for each fiscal year for refugee assistance for unaccompanied minors.

(14) An authorization of $1 million for each fiscal year for displaced Burmese.

(15) A specific subauthorization of $80,000 to cover the costs of the U.S. Delegation to CSCE Parliamentary Meetings.

The following table summarizes the action of the Committee on conference.

COMPARISON OF H.R. 1415—FOREIGN RELATIONS AUTHORIZATION BILL FOR FISCAL YEARS 1992–93 AND ADMINISTRATION REQUEST AS REESTIMATED BY CBO

[Dollars in thousands, by fiscal year]

Account	1992 request	1992 House authorization	1992 Senate authorization	1993 House authorization	1993 Senate authorization	1992 conference agreement	1993 conference agreement
I. DEPARTMENT OF STATE							
Salaries and expenses	1,750,644	1,749,359	1,727,005	1,954,287	1,735,005	1,725,005	1,822,650
Inspector General	23,928	23,928	23,928	23,037	23,928	23,928	26,650
Foreign buildings	440,000	[1] 422,594	390,124	[2] 460,231	435,124	[1] 415,000	[2] 432,000
Representationn	4,802	4,802	4,802	5,140	4,802	4,802	5,000
Emergencies	8,000	8,000	8,000	9,560	8,000	7,500	8,000
AIT	13,784	13,784	13,784	15,073	13,784	13,784	14,500
Moscow Embassy	130,000	130,000	130,000	([3])	85,000	130,000	130,000
Diplomatic security:							
Salaries and expenses	299,828	300,328	299,828	330,000	299,828	299,828	315,000
Protection/missions	9,464	11,464	16,464	13,937	16,464	11,464	16,464
International organizations	[4] 842,384	[4] 842,747	[4] 842,384	[4] 879,919	[4] 842,384	[4] 842,384	[4] 859,400
Peacekeeping	[4] 107,229	[4] 107,229	[4] 107,229	[4] 103,654	[4] 107,229	[4] 107,229	[4] 103,654
Conferences	5,500	5,500	5,500	5,900	5,500	5,500	5,775
Commissions:							
IBWC	10,900	11,400	10,900	12,546	10,900	11,400	12,000
IBWC construction	10,525	10,525	10,525	19,925	10,525	10,525	19,925
IBC/US-Canada	768	768	799	768	768	768	805
UC	3,732	3,732	3,881	3,732	3,732	3,732	3,920
Fisheries	12,147	12,647	18,109	15,682	18,109	14,000	16,500
Refugee assistance	[5] 490,557	[5] 600,000	[5] 600,000	[5] 650,000	[5] 600,000	[5] 630,000	[6] 685,000
Bilateral science technology	[6] 4,500	[5] 5,000	[6] 5,000	5,200	2,250	[6] 5,000	6,000
Soviet/East Europe R&T	4,784	5,000	4,784	5,000	4,784	4,784	5,025
Middle East R&T	0	0	4,000	0	4,000	0	[7] 3,000
Asia Foundation	15,367	18,000	18,000	18,900	18,000	16,000	16,800
Inter-American Foundation	[5] 28,800	[5] 28,800	[5] 28,800	[5] 31,000	[5] 28,800	[5] 28,800	[6] 31,000
Subtotal	4,217,643	4,315,607	4,273,846	4,563,491	4,278,916	4,311,433	4,539,068
II. USIA							
Salaries and expenses	424,399	424,399	423,827.5	9	423,827.5	423,827.5	451,294
Inspector General	4,206	4,206	4,206	0	4,206	4,206	4,420
N.E.D	30,000	30,000	30,000	0	30,000	30,000	31,250
East-West Center	23,000	23,000	26,000	0	26,000	24,500	26,000
Educational/cultural:							
Salaries and expenses	37,749	37,849	37,749	0	37,749	37,749	39,308
Fulbright Programs	110,454	110,454	113,154	0	110,454	113,154	119,997
Humphrey Fellowships	5,682	5,682	5,682	0	5,682	5,682	6,000
International visitors	44,336	44,336	44,336	0	44,336	45,366	47,650
Other	12,028	12,028	12,028	0	12,028	14,028	14,700
World University games	0	2,000	2,000	2,000	2,000	2,000	2,000
Vietnam scholarships	0	0	300	0	300	300	300
Undergrad exchanges	0	0	10,000	0	10,000	2,000	2,000
Broadcasting:							
Salaries and expenses	196,942	196,942	196,086.5	0	196,086.5	196,942	216,815
TV/film service	33,185	33,185	32,329.5	0	32,329.5	33,185	34,476
Radio constructionn	98,043	98,043	97,187.5	0	97,187.5	98,043	103,000
Cuba broadcasting	38,988	38,988	38,988	0	38,988	38,988	34,525
North/South Center	0	10,000	0	10,000	0	5,000	10,000
Pepper scholarships	0	1,000	1,000	0	1,000	1,000	0
Israel/Arab scholarships	0	700	0	700	0	700	700
Mitchell exchanges	0	0	10,000	0	10,000	7,000	7,000
Bradley exchanges	0	0	4,000	0	0	1,000	0
Kurdish broadcasting	0	0	1,000	0	1,000	0	0
Speaker's exchanges	0	0	0	0	0	2,000	0
Subtotal	1,059,012	1,072,812	1,089,876	12,700	1,083,174	1,086,670.5	1,151,435
III. BOARD FOR INTERNATIONAL BROADCASTING							
All expenses	217,960	218,660	218,660	0	218,660	212,491	221,203
Total	5,494,615	5,607,079	5,582,382	4,576,191	5,580,750	5,610,594.5	5,911,706

[1] Includes $110.966 million previously authorized.
[2] Includes $131.808 million previously authorized.
[3] Such amounts as may be necessary.
[4] $1,120,541,000 and $201,292,000 authorized. Obligations limited as shown.
[5] Foreign Assistance authorization/appropriation items.
[6] Includes $2.75 million previously authorized.
[7] Moved to USIA.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

The Senate amendment (sec. 102(a)(3)) withholds all CIO arrearage payments to the U.N. pending a report to Congress on the use of such payments.

The House bill contains no comparable provisions.

The conference substitute (sec. 102(a)(3)) is the same as the Senate amendment.

INTERNATIONAL COMMISSIONS

The Senate amendment (sec. 103(4)) authorizes $18,109,000 in each of fiscal years 1992 an 1993 for International Fisheries Commissions.

The House bill (sec. 103(4)) authorizes $12,647,000 for fiscal year 1992 and $15,682,000 for fiscal year 1993 for International Fisheries Commissions.

The conference substitute (sec. 103(1)) authorizes $14 million in fiscal year 1992 and $16,500,000 in fiscal year 1993 for International Fisheries Commissions.

It is the conferees' intent that the funding authorized over and above the administration's request for this account for fiscal year 1992 be used for the Great Lakes Fisheries Commission. With regard to fiscal year 1993, it is the conferees' intent that, with transfer authority provided elsewhere in the bill, up to $12,300,000 could be appropriated for the Great Lakes Fisheries Commission.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CONSULAR AND DIPLOMATIC POSTS ABROAD

The House bill (sec. 111) amends existing law to allow the Department of State to close diplomatic and consular posts abroad with 45 days advance notice to the Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 112) is the same as the House bill.

DENIAL OF PASSPORTS

The House bill (sec. 112) added a section to the State Department Basic Authorities Act to prohibit use of the passport issuance function to prohibit or punish speech, belief, affiliation or membership. Section 118 of the Senate bill was identical to the House bill, except for an additional word which might have been read to prohibit such ideological considerations only when they constituted the sole basis of a passport decision.

Both provisions were designed to ensure that foreign policy objectives as defined by the executive branch are not pursued at the cost of the rights of Americans under the First Amendment to the United States Constitution. This reflects Congress' desire to facilitate international freedom of movement, as evinced by section 707 of the Passport Act of 1978 (92 Stat. 992–3, amending 22 USC 211a), and Section 124 of the Travel Act of 1978 (92 Stat. 971, repealing 8 USC 1185(c)).

The conference substitute (sec. 113) adopts the House version as more precisely accomplishing the common intent of that two provisions, that is, to prohibit any consideration of expression, activity, belief, affiliation, or membership, within or outside the United States, which if held or conducted within the United States would be protected by the First Amendment to the Constitution, when denying, revoking or restricting a passport.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The House bill (sec. 113) amends existing law to declassify reports to Congress on entertainment, travel, and gift expenditures from this account.

The Senate amendment (sec. 121) is identical except that it contains a waiver on report declassification when required on grounds of national security.

The conference substitute (sec. 114) is the same as the House bill.

LEASE AUTHORITY

The House bill (sec. 114) raises the statutory ceiling on overseas leases requiring Washington approval from $25,000 to $50,000.

The Senate amendment (sec. 120) is identical to the House provision, except that purchases of buildings are also included in exclusion from competition requirements.

The conference substitute (sec. 115) is the same as the House bill.

TRANSFERS AND REPROGRAMMINGS

The House bill (Sec. 116) amends existing law to allow appropriations and authorization transfers, subject to limitations and reprogramming procedures.

The Senate amendment (sec. 114) is similar to the House bill, but comprises slightly higher percentage limitations on appropriations transfers, and waives reprogramming requirements for emergencies involving danger to human life. The Senate amendment does not provide any authorization transfer authority.

The conference substitute (sec. 117) is similar to the House bill, but deletes appropriations transfer provisions.

INTERNATIONAL MEETINGS

The House bill (sec. 118) is intended to facilitate the hosting of international conferences by the U.S.

Provisions in both the House bill and the Senate amendment (sec. 119) were identical in all respects except that the Senate provision authorized the contracting of personal services "without regard to laws governing employment and compensation in the Federal Civil Service". Hitherto, the Office of Personnel Management has routinely granted such waivers for individual conferences, where necessary, and no prejudicial delay has resulted.

The conference substitute (sec. 119) is the same as the House bill. In view of the importance of the protections provided by laws governing employment and compensation in the Federal Civil Service, and because blanket exemption from such laws appears to be unnecessary, the Conferees have adopted the House language.

ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS

The House bill (sec. 121) contained a provision establishing the position of Assistant Secretary of State for South Asian Affairs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 122) adopts the House provision. The clear intent of this provision, which established the new position of Assistant Secretary of State for South Asian Affairs, is that a new Bureau of South Asian Affairs will be established at the Department of State. The committee of conference has deliberately not specified the number of Deputy Assistant Secretaries in this new Bureau, which need not necessarily be as many as in other regional bureaus, and which should be determined on the basis of legitimate need.

It is the intent of the committee of conference that following the enactment of this Act, this section shall be implemented as soon as possible, but with the understanding that the nomination of the Assistant Secretary shall take place within 30 days of enactment and all other requirements stemming from this provision shall be fulfilled within 90 days of the enactment of the Act.

FOREIGN SERVICE INSTITUTE FACILITIES

The House bill (sec. 123) increases authorization for construction of new FSI facilities from $50 million to $70 million.

The Senate amendment (sec. 122) is identical to the House provision, except that it only increases authorization to a total of $66 million.

The conference substitute (sec. 124) is the same as the House bill.

MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY

The House bill (sec. 124) mandates improvements to Department of State methods of maintaining real property, and related accounting procedures.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 125) is the same as the House bill. In requiring enhanced procedures for the maintenance of overseas posts, the conferees note:

(1) The Department of State has begun to address the long-standing neglect of overseas real property management. In 1988, the Office of Foreign Buildings Operations contracted with two engineering firms to develop a baseline of information about facility conditions and to document necessary post repairs at the 250 overseas posts. The Office of Foreign Buildings Operations also established two maintenance assistance centers and is equipping each newly constructed office building with an overall maintenance program.

(2) A September 1990 General Accounting Office report found that while recent actions of the Office of Foreign Buildings Operations will improve overseas real property management, serious additional problems will remain. Of the fourteen posts that the General Accounting Office visited, none had conducted annual surveys to systematically identify maintenance and repair requirements; none were following all of the maintenance management principles as outlined in the Buildings Maintenance Handbook; and the vast majority of posts were not tracking maintenance expenditures. The report concluded that the Office of Foreign Buildings Operations exercised insufficient oversight of overseas maintenance activities.

(3) The neglect of maintenance oversight by the Office of Foreign Buildings Operations has repeatedly resulted in the deferment of necessary maintenance which has led to higher repair costs and shorter building life.

REPORTING REQUIREMENTS CONCERNING THE DENIAL OF CERTAIN VISAS

The Senate amendment (sec. 124) contains a provision to require reports to Congress when visas are denied on certain grounds of exclusion.

The House bill contains no comparable provision.

The conference substitute (sec. 127) adopts the Senate provision with an amendment. Sec. 127 contains a requirement that the Department of State submit a timely report each time an alien is denied a visa because of terrorist activities or on foreign policy grounds. The conferees deleted a provision of the Senate bill which also required a cumulative report on all prior visa denials every 180 days.

This section is intended to provide the appropriate congressional committees with the information necessary to monitor the denial of visas on foreign policy and terriorist grounds. For that reason, the report required by this section should, to the extent possible, consistent with the considerations discussed below, be sufficiently detailed to allow the committees to understand the factual basis for the Department's determination that the alien was excludable.

Information may be submitted in an appropriately classified form if necessary and in a manner which protests the intelligence sources and the intelligence methods used to obtain the information relied upon by the Department. Information provided to the Department of State by the Federal Bureau of Investigation, including information based on reports of foreign police agencies, may also be classified to the extent necessary, consistent with existing procedures for preventing public disclosure of such information. If it is necessary to classify some but not all of the information the Department should submit the report in an unclassified form with the classified information included in a classified annex. The conferees strongly encourage the Department to submit, wherever possible, unclassified reports containing sufficient detail to permit the committees to understand the factual basis for the visa denial. The reports required by this section should be neither lengthy nor conclusory.

The conferees understand that some information relied upon by the Department in denying a visa may have been provided by another agency under certain ground rules which restrict the right of the Department to share that information without prior authorization. The conferees intend that, in any case where the Department believes that such information is called for by this section, the Department will seek permission to provide such information to the appropriate congressional committees. If permission is refused, the Department should note that it relied on additional facts which it cannot disclose pursuant to the ground rules under which the information was received, and shall provide the name of the agency involved. This will permit the congressional committees to contact the originating agency directly. The managers expect, however, that the Department will provide any other information which it is at liberty to provide to the extent that it is called for by this section. If information submitted under this provision is in classified form, its delivery and storage shall be in accordance with appropriate security procedures.

VISA LOOKOUT SYSTEMS

The House bill (sec. 126) contained a provision requiring the Department of State to ensure that the Automated Visa Lookout List (AVLOS), the Consular Lookout and Support System (CLASS) and other similar lists which maintain information about the excludability of aliens from the U.S. under the Immigration and Nationality Act, did not contain names of aliens who were not so excludable. The House provision required

correction of the current list in accordance with this prohibition within 180 days.

The Senate amendment (sec. 125) also required the correction of the lookout list, but provided an exception for the names of aliens who are included for purposes related to the enforcement of statutes. The Senate amendment also provided 3 years for the correction process to be completed.

The conference substitute (sec. 128) adopts the Senate language. It does so because the executive branch has informed the conferees that the Department of State would have difficulty complying with the requirements of this provision within 180 days, and that three years provided ample time to do so. The conferees expect that the provision of the more extensive time period will result in a timely, complete and thorough correction of the lists.

The conference substitute also adopts the Senate language because the conferees have been informed by the executive branch that the lookout lists are being used for purposes other than visa determinations, such as alerting the Drug Enforcement Agency when suspected drug traffickers apply for visas, or communicating with U.S. intelligence agencies when suspected terrorists apply for visas, or assisting law enforcement agencies seeking to serve subpoenas by providing notice of impending visits. The adoption of the Senate provision relating to correction of visa lookout lists is not intended to address the propriety or legality of these additional uses. The conference substitute adopts the Senate language to ensure that present practices are conducted in accordance with law.

PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS

The House bill (sec. 175) requires an investigation of foreign government practices of denying visas to U.S. citizens having travelled to boycotted countries, and official protests of such practices.

The Senate amendment (title V) incorporates H.R. 2254, the Anti-boycott Passport Act of 1991. The Act requires that the executive branch: (1) negotiate an end to the Arab practice of prohibiting entry to U.S. citizens who have travelled to Israel, (2) cease issuing "Israel-only" passports to private citizens, and (3) cease issuing second passports to U.S. diplomats and officials for the purpose of complying with the secondary Arab boycott of Israel.

The conference substitute (sec. 129) is almost identical to the Senate amendment, but omits the Senate findings and incorporates three technical changes.

The conferees are concerned that:

(1) The nations of the Arab League except Egypt remain in a state of war with Israel, a friend and ally of the United States, and refuse to recognize Israel and her right to exist.

(2) As part of their effort to isolate Israel and her allies, the majority of Arab countries generally reject the passports of, and deny entrance visas, to, private persons and governmental officials whose passport or other documents bear an Israeli entrance stamp or marking or otherwise reflect that the person has visited Israel.

(3) The passport visa policy of the majority of Arab League nations is an impediment to peace in the Middle East and must be reversed.

(4) The passport and visa policy of the majority of Arab League nations is an affront to the Government of the United States.

(5) The passport and visa policy of Saudi Arabia and Kuwait, both members of the Arab League, demonstrates a business as usual attitude and lack of appreciation for the successful efforts of the United States to reverse the Iraqi occupation of Kuwait and to restore the security of Kuwait and Saudi Arabia.

(6) Officials of the U.S. Government traveling in the Middle East are, as a general practice, issued two passports so that they can travel to Israel and to Arab countries in compliance with the passport and visa policy of the majority of Arab League nations.

(7) To avoid challenging the passport and visa policy of the majority of Arab League nations the State Department has issued official passports to U.S. Government officials, designated for travel only to Israel.

(8) The U.S. Government's policy of issuing tow passports for official travel in the Middle East, and its policy of issuing official passports designated for travel only to Israel, constitute acquiescence in, and the appearance of acceptance of, the rejection of Israel by Arab countries.

(9) The U.S. Government's policy of issuing tow passports for official travel in the Middle East, and its policy of issuing official passports designated for travel only to Israel, are at odds both with the recognition of Israel by the United States and with the rejection in U.S. policy and law of the Arab boycott of Israel.

(10) The reversal of the passport and visa policy described above would be an important confidence-building measure and would contribute to the peace process in the Middle East.

The conferees believe that the executive branch should vigorously encourage the nations of the Arab League which maintain the passport and visa policy described in this section to reverse their policy of rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

PROPERTY ACQUISITION IN EASTERN EUROPE

The Senate amendment (sec. 129) expresses the sense of the Congress that because of the expanding national interests of the United States in Eastern Europe, the Department of State should move expeditiously to satisfy long-term diplomatic property requirements in this area.

The House bill contains no comparable provision.

The conferees believe that the executive branch should vigorously encourage the nations of the Arab League which maintain the passport and visa policy described in this section to reverse their policy of rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

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The House bill contains no comparable provision.

The conference substitute deletes the provision.

However, it is the sense of the committee of conference that because of the expanding national interests of the United States in Eastern Europe, an effective and efficient diplomatic presence in Eastern Europe will be best served if the Department of State, through its long-term assets management program, applies available resources in ways which will further efforts to acquire necessary properties in eastern Europe.

POLICY ON CONSULATE IN LEIPZIG

The Senate amendment (sec. 130) commends the executive branch's decision to establish a consular office in Leipzig.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

Although this provision has been deleted it is the sense of the committee of conference that the Department of State should expedite its efforts to fully implement its decision.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

CONSTRUCTION OF DIPLOMATIC FACILITIES

The House bill (sec. 132) sets out limitations, including security requirements, governing construction of a new U.S. Embassy chancery building, Moscow, U.S.S.R., but leaves a final decision on a construction option up to the executive branch. The House bill also requires a comprehensive plan for meeting all U.S. Government facilities requirements in Moscow, codifies into a single section of law, and strengthens existing statutes governing use of the new Soviet Embassy complex on Mt. Alto, and requires cash reimbursement for additional U.S. expenses as a result of hostile Soviet intelligence activities in the U.S.S.R.

The Senate amendment (sec. 142) is similar to the House bill, but omits House provisions on construction security, Mt. Alto occupancy and cash reimbursement, while incorporating a requirement for a report on Soviet destruction of SS-23 missiles in former Warsaw Pact countries.

The conference substitute (sec. 131) is similar to the House bill, but consolidates two separate House cash reimbursement provisions and slightly modifies existing law on Mt. Alto occupancy. The Senate reporting requirement on SS-23 destruction is incorporated into the substitute as a separate section.

The conference substitute also requires the Secretary of State to submit a report, within 120 days of enactment, outlining plans for establishing additional United States missions within the territory of the former Soviet Union, including a projection of the numbers and locations of missions, numbers and types of personnel needed, projected costs, and ramifications, if any, to agreements between the United States and the Soviet central government requiring reciprocity in the establishment of diplomatic posts.

In the wake of the August 1991 coup, profound changes including the acceleration of democratization and economic reform, declarations of independence by many of the constituent republics, and the reestablishment of independence for Lithuania, Latvia and Estonia have taken place in the Soviet Union. These changes, which have brought about a new era in U.S.-Soviet relations, require the United States to obtain information and knowledge necessary for reasoned analysis of developments in regions and by republic governments of the former Soviet Union.

Outreach is needed beyond Moscow, St. Petersburg and Kiev. The conferees suggest that, in establishing new posts, particular priority be given to Tbilisi, Georgia; Kishinev, Moldavia; and Yerevan, Armenia, in addition to Khabarovsk, Russia or another suitable nearby location in the Far East. These missions should be tailored to represent American foreign policy and commercial interests as well as improving exchanges of information between governments and peoples.

In considering the establishment of new posts or mission, the conferees emphasize that, to the extent possible, they be established without closing existing posts.

POSSIBLE MOSCOW EMBASSY SECURITY BREACH

The House bill (sec. 133) requires a report on possible compromise of U.S. assets in the March 1991 fire at the U.S. Embassy in Moscow.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 133) is the same as the House bill.

SPECIAL AGENTS

The Senate amendment (sec. 144) contained a provision to require a joint report from the Attorney General and the Secretary of State on the advisability of enhancing the arrest powers of Special Agents of the Diplomatic Security Service.

The House bill contains no comparable provision.

The conference substitute (sec. 134) adopts the Senate provision with an amendment. The amendment adds language to ensure that the report shall explicitly address the impact on civil liberties of such an enhancement of authority.

PROTECTION FOR UN FACILITIES AND MISSIONS

The Senate amendment (sec. 143) amends existing law to:

(a) increase permanent authorization for reimbursement of State and local governments for protective services from $7 million to $10 million;

(b) expand authority for payment of back claims for such reimbursements; and

(c) clarify the circumstances under which reimbursements may be made.

The House bill contains no comparable provision.

The conference substitute (sec. 135) is similar to the Senate amendment.

The conferees note that this will be the first increase in permanent authorization for this account since 1982, and that in recent years funding has been insufficient to reimburse fully State and local governments for the protective services needed to protect foreign visitors. As a result of this and other factors, some State and local governments have incurred substantial unreimbursed expenses. In 1989, for example, the City of New York incurred over $2 million in unreimbursed expenses protecting Mikhail Gorbachev during his visit to the United Nations.

This section would expressly allow State and local governments to be reimbursed for claims of no more than $4 million in FY 1992, but not to exceed $8 million in total for prior unreimbursed claims. Such claims may be submitted even if they have been previously disallowed due to funding shortfalls or due to any claimed limitation which has been removed or altered by this section.

As indicated above, the conference substitute also incorporates increases to annual authorization levels for this account. To the extent annual authorization is not fully utilized during any fiscal year, the unused portion would also be available to satisfy prior unreimbursed claims in addition to the $8 million made available expressly for this purpose.

It is the conference committee's intent that State and local governments be more fully reimbursed for expenses beyond their control, for example, for protective services provided international visitors pursuant to invitations of the U.S. Government or international organizations. It is not the committee's intent that State or local governments be reimbursed for expenses associated with events organized solely at their own initiative. The conferees intend that future claims should be based on written commitments agreed to in advance.

STUDY OF CONSTRUCTION SECURITY NEEDS

The Senate amendment (sec. 145) requires a review of Inman report recommendations, and a report to Congress on whether Inman authorizations should be repealed or modified.

The House bill contains no comparable provision.

The conference substitute (sec. 136) is the same as the Senate amendment.

PART D—PERSONNEL

CHIEF OF MISSION SALARY

The House bill (sec. 142) restores to members of the Senior Foreign Service who accept a Presidential appointment the option to elect whether to enjoy the pay and benefits of their Foreign Service level or of the Presidential appointment.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 142) is the same as the House bill.

The conferees note that the restriction being repealed was enacted four years earlier by Congress in part out of concern that existing procedures for accounting leave time taken by career Ambassadors and other high ranking members of the Senior Foreign Service were not being fully applied. In repealing this provision, the conferees believe it was inappropriate to continue to penalize all members of the Senior Foreign Service for possible infractions by a few in regulations governing leave policy. It is the intention of the conferees that in restoring to Presidential appointees the option of retaining the pay and benefits of the career Foreign Service that leave policies will be applied strictly and equitably to all members of the Foreign Service, including high ranking members of the Senior Foreign Service.

AUTHORITY OF THE SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES

The House bill contained a provision (sec. 143) to allow the Secretary of State to suspend without pay a member of the Foreign Service who has been convicted of a job-related crime, in advance of sentencing. This was to respond to the executive branch's concern that current law requires a sentence to have been imposed before suspension without pay. The House provision represented a modification of an executive branch request for more extensive enhancement of the Secretary's powers and more extensive limitation of the powers of the Foreign Service Grievance Board, which a thorough review by the Committees on Foreign Affairs and Post Office and Civil Service found to be insupportable.

The Senate amendment contained no comparable provision.

The conference substitute (sec. 143) adopts the House provision. It does so because, although a thorough review had not persuaded the Senate to change the Foreign Service Grievance Board's powers at all, it appears reasonable to allow suspension of a convicted employee in advance of a full hearing on the merits under section 610 of the Foreign Service Act, and in advance of sentencing.

The conferees stress, however, that this enhanced authority of the Secretary is subject to the following limitations. First, the Secretary must demonstrate to the Board that the Department has complied with the requirements set forth in subsection (a)(3) of section 610 of the Act. Second, he must establish that there exists a genuine nexus to the efficiency of the Service. In order to establish such a nexus, the conviction must be for a crime which either involves an act of violence, fraud, or theft, occurs on or involves Federal property, or directly arises from or has a direct impact on, the member's official responsibilities or duties. Third, the enhanced authority must not be used as a cloak or pretext for a prohibited personnel practice, or for a retaliatory or discriminatory practice identified in 22 U.S.C. 3905(b). In addition, nothing in this section bars an allegation of such claim or pretext by a grievant in a separate grievance, a review by the Board of the member's separation under section 610(a)(2) of the Act, or a review by the Board under subsection 610(a)(5). Finally, the Secretary is required to meet the procedural requirements of subsection 610(a)(4), and the Board should ensure that it has met such requirements.

While enhancing the Secretary's authority in this limited area relating to a member's suspension after conviction for a job-related crime, we also recognize that this authority will be exercised rarely. Of course, the Secretary need not wait for conviction in order to institute separation or disciplinary proceedings against a member. Even where a member has merely been indicted on the basis of a job-related crime, the Secretary may proceed with a proposal to separate or otherwise discipline an officer well in advance of sentencing and contemporaneous to or in advance of a formal criminal proceeding as long as the Secretary does so in a manner which would permit a full hearing on the merits pursuant to section 610(a)(2). There is no obligation upon the Department to await a conviction before pursuing such administrative action against a member.

The Department had requested much broader changes than are here adopted to limit or restrict the remedial authority of the Foreign Service Grievance Board. The conferees granted power only to suspend after conviction of a job-related crime because they were not persuaded that the broader changes requested were necessary.

We are concerned that excessive administrative appeals and delays by the foreign affairs agencies are causing an undue burden on public funds. Should excessive appeals and delays remain a problem in the future, we will review this issue to consider limiting agencies' privileges to appeal Board decisions.

Both the Senate and the House conferees are concerned at the frequency with which Congress has been asked to revisit the issue of limiting the remedial powers of the Foreign Service Grievance Board, or enhancing the powers of the Secretary. The present provision has been adopted after a thorough review of the available evidence, and it is expected that this issue will be considered legislatively settled, barring strong evidence of changed circumstances.

AMENDMENTS TO TITLE V

The House bill (sec. 147):

(a) Allows payment of allowances to dependents whose departure from a post is official, even if the principal remains;

(b) Prohibits inclusion of post differentials and hardship and similar allowances in lump sum leave payments;

(c) Allows payment of education and living quarters expenses to allow dependents to finish a school year;

(d) Allows combination of temporary lodging and post allowances into a single per diem payment;

(e) Eliminates dual eligibility for temporary subsistence and post allowances; and

(f) Amends rules for payment of education allowances to ensure educational continuity for dependents, allows provision of educational services to disabled pre-kindergarten children, and permits travel for vocational and other post-secondary education.

The Senate amendment (sec. 156) is substantially identical to section 147 of the House bill, but did not incorporate certain technical changes drafted by the Committee on Post Office and Civil Service of the House.

The conference substitute (sec. 147) is the same as the House bill.

REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL APPOINTEES

The House bill (sec. 149) clarifies terms under which FSO presidential appointees may retire at full annuity.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 149) is the same as the House bill.

COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE

The Senate amendment (sec. 152) authorized a comprehensive study of personnel questions at the State Department and at the U.S. Mission to the United Nations.

The House bill contained no similar provision.

The conference substitute (sec. 150) adopts the Senate provision with an amendment.

Subsection (a) requires the Secretary of State to appoint a commission of seven members within 90 days after enactment. At least six of the members shall have a minimum of ten years experience in personnel management. The commission shall examine personnel issues which affect both Foreign Service and Civil Service employees of the Department of State.

Appointments to the commission shall be made after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House, the Committee on Post Office and Civil Service on the House, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

The conferees recognize that, because of the personnel commission created by section 171 of the Foreign Relations Authorization Act for 1988 and 1989 the Secretary of State may wish to reappoint members of that group to this commission.

Of the appointments, at least two members shall have a specialized knowledge of the civil service personnel system. The conferees acknowledge the appointment and high quality work product of the incumbent Civil Service Ombudsman. Extension of this commission's mandate to consider civil service questions is meant to enhance and supplement the work of that office.

Subsection (b) authorizes the Commission to examine the extent to which the State Department has implemented recommendations of the Commission created by the Foreign Relations Authorization Act for fiscal years 1988 and 1989.

Subsection (c) outlines the scope of the report on Personnel Matters and Conditions. The report shall be submitted to the Chairmen and ranking Members of the relevant committees not less than one year after the date of enactment of this act.

In its examination of Civil Service personnel in the Department of State, the commission should evaluate the current and potential role of the Civil Service work force and the ability of Civil Service personnel to be promoted at all levels within the Department. The commission should consider recommendations from the Department's Civil Service employees on methods of better integrating Civil Service personnel in the Department's policy making process.

The conferees believe that the commission should examine overseas allowances, including examination of housing, educational, representational, and related allowances for overseas posts, their rationales, expenditure for each category and type of allowance, and impact of allowances on morale and efficiency of Foreign Service and Civil Service employees.

The conferees also believe strongly that the commission should examine and make recommendations regarding the anomalous standing of the United States Mission to the United Nations, including its relations to the Bureau for International Organization Affairs and other elements of the State Department, especially as these questions relate to personnel matters.

The commission should examine whether provision of differential pay for Foreign Service employees at USUN, increasing base salary by 8 percent for being stationed in the New York metropolitan area is a permitted or prudent practice, and whether non-compliance with recommendations or suggestions of the Inspector General or Civil Service Ombudsman have had an impact on morale or functioning of the U.S. Mission.

Prior to undertaking the study, conferees believe that committee members and staffs should be fully consulted by commission members.

FOREIGN NATIONAL EMPLOYEES SEPARATION PAY

The Senate provision (sec. 158) allows creation of a trust fund at the Treasury to hold obligated funds for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 151) is the same as the Senate amendment.

LOCAL COMPENSATION PLANS FOR U.S. CITIZENS RESIDING ABROAD

The Senate amendment (sec. 159) provides the Department and other U.S. Government agencies performing functions abroad, with the authority to develop local compensation plans for American citizens residing abroad.

The House bill contains no comparable provision.

The conference substitute (sec. 152) is identical to the Senate amendment. The adoption of this provision is not intended to prejudice the Department of State's current policy in favor of employment of dependents of Foreign Service Officers. The committee of conference expects that this provision will give the Department of State the flexibility to meet its personnel needs overseas and develop appropriate compensation plans for non-Foreign Service members employed overseas.

GRIEVANCES BASED ON ALLEGED DISCRIMINATION

The Senate amendment (sec. 159A) contained a provision allowing the Foreign Service Grievance Board to hear grievances based on the alleged violation of laws guaranteeing equal employment opportunity.

The House bill contained no comparable provision.

The conference substitute (sec. 153) adopts the Senate provision with an amendment. The amendment addresses the procedures for this, making minor changes to the period for filing grievances and to the provisions for review of decisions, and does not otherwise change the substance of the provision. It is adopted because the Committee on Post Office and Civil Service of the House has extensively reviewed the issue, and is persuaded that the Department of State's administrative procedures for considering such complaints are seriously deficient. The Department's average time for processing such a complaint is 1,056 days, as compared to an average throughout the Federal Government of 418 days. The Foreign Service Grievance Board, in contrast, takes an average of 240 days to process a case. Moreover, the provision of this relief would provide a degree of equity between the grievance procedures available to Civil Service and Foreign Service employees.

The conference substitute provides in subsection (f) that only grievances arising after the date of enactment shall be covered. The term "grievance" in subsection (f) means a grievance arising wholly before the date of enactment. Subsection (f) is not intended to exclude from coverage a continuing violation which begins before the date of enactment but continues past that date.

COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE

The Senate amendment (sec. 159B) requires a report within 90 days on the need to establish a mechanism to compensate DOS employees under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964 (31 U.S.C. 3721c).

The House bill contains no comparable provision.

The conference substitute (sec. 154) is the same as the Senate amendment.

LANGUAGE TRAINING IN THE FOREIGN SERVICE

The Senate amendment (sec. 920) directs the Department of State to ensure that end-of-training reports for employees in full-time language training be given equal weight as annual employee efficiency reports in determining the promotion of Foreign Service employees.

The House bill contains no comparable provision.

The conference substitute (sec. 155) contains the Senate provision.

PART E—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CONTRIBUTIONS TO THE INTERNATIONAL RED CROSS

The House bill (sec. 151) repeals provisions requiring the United States to provide a fixed portion of ICRC's budget.

The Senate amendment contains no comparable provision.

The conference substitute deletes the House provision.

MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS

The Senate amendment (sec. 161) expresses the sense of Congress that in-kind contributions should be counted at full value in calculating contributions to U.N. peacekeeping forces.

The House bill contains no comparable provision.

The conference substitute (sec. 161) is the same as the Senate amendment.

REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES

The House bill (sec. 152(a)) authorizes the President to withhold 20% of the funds appropriated for any calendar year for the United States assessed contribution to the United Nations or to any of its specialized agencies if the United Nations or any such specialized agency has failed to implement or to continue to implement consensus-based budget making procedures which assure that

the United States and other major financial contributors have sufficient attention devoted to their views. Subsection (b) of the House bill requires the President to notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate whenever a decision is made to withhold funds pursuant to subsection (a). Subsection (b) also requires the President to notify the two above-named congressional committees whenever a decision is made to pay any previously withheld assessed contributions. Subsection (c) authorizes the President to pay any previously withheld assessed contributions to the United Nations or any of its specialized agencies, subject to the availability of appropriations, if such a payment will advance the interests of the United States in that organization. Subsection (d) requires the President to submit an annual report, not later than February 1 of each year, to Congress concerning the payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year and the status of consensus-based budget decisionmaking procedures in those organizations.

The Senate amendment (sec. 162) is nearly identical to the House amendment, except that the Senate amendment does not require the President to submit an annual report to Congress and the Senate amendment contains a technical provision that repeals existing law concerning the payment of assessed contributions.

The conference substitute (sec. 162) contains the House section and also includes the technical provision in the Senate amendment that repeals lapsed provisions of law.

REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT

The House bill (sec. 153) repeals requirements of a report on U.N. secondment practices of Soviet bloc countries.

The Senate amendment (sec. 163) is substantially identical to the House bill.

The conference substitute (sec. 163) is the same as the House bill.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The House bill (sec. 154) amends existing law (22 U.S.C. 269) to:

(a) lift the ceiling on annual U.S. contributions to the Permanent International Association of Road Congresses (PIARC); and

(b) provide permanent authorization of "such sums as may be necessary" for U.S. contributions to the PIARC.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 164):

(a) repeals 22 U.S.C. 269 thereby eliminating the ceiling on U.S. contributions to the PIARC; and

(b) authorizes the President to maintain membership in the PIARC.

In repealing 22 U.S.C. 269, it is not the conference committee's intent to prejudge the merit of U.S. funding for the PIARC, but rather to eliminate the need for adjustment to the ceiling. The conference committee believes that future funding requests for the PIARC should be judged on their own merits.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

The House bill (sec. 155) authorizes the International Boundary and Water Commission to incur representational expenses.

The Senate bill contains no comparable provision.

The conference substitute (sec. 165) contains the language in the House bill, with the proviso that within 30 days after the end of the fiscal year, a report of all such expenditures will be submitted and made available for public inspection.

BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The House bill (sec. 158) establishes U.S.-British Interparliamentary exchange of not more than 24 Members of Congress equally divided between the House and Senate; at least 4 members each from Foreign Affairs and Foreign Relations Committees; authorizes $50,000 in each fiscal year for U.S. delegation participation.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 168) is the same as the House bill with an amendment as to the appointment of the delegation.

UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

The House bill (sec. 159) establishes a U.S. Congressional delegation to the CSCE Parliamentary Assembly. The section provides for the appointment of the U.S. delegation as well as for administrative support for U.S. participation in the CSCE Parliamentary Assembly.

The Senate bill contains no comparable provision.

The conference substitute (sec. 169) alters the requirement that the Chairman of the Foreign Affairs and Foreign Relations Committees head each delegation. It requires that the Chairman or the Vice-Chairman of the delegation be a Member of the Foreign Affairs or Foreign Relations Committee except that the Senate may appoint a Chairman or Vice-Chairman who is not a Member of the Foreign Relations Committee if the President Pro Tempore, in consultation with the Majority and Minority Leaders, so determines.

REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The House bill (sec. 160) requires a report within sixty days on UNESCO's activities since April 30, 1990.

The Senate amendment (sec. 167) requires the same report but extends the reporting deadline to 9 months.

The conference substitute (sec. 170) is the same as the Senate provision.

REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Senate amendment (sec. 904) modifies the underlying law establishing the Commission on Security and Cooperation in Europe to provide for an annual, rather than semi-annual, report on compliance by CSCE signatories with the Helsinki Final Act.

The House bill has no comparable provision.

The conference substitute (sec. 171) contains the Senate provision.

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT

The Senate amendment (sec. 911) asserts several goals that should be reached in negotiations underway on a framework convention on global warming under the auspices of the International Negotiating Committee.

The House bill has no comparable provision.

The conference substitute (sec. 172) is the same as the Senate amendment. The International Negotiating Committee for a Framework Convention on Climate Change is the best opportunity for meaningful, concerted international actions to combat global warming in this decade. However, preliminary meetings to date have not made measurable progress toward a framework agreement to reduce greenhouse gas emissions.

The concern of conferees over the U.S. position in the ongoing talks is heightened with each meeting. As the largest single source of greenhouse gases, nations at the talks look to the United States for a commitment to reduce emissions of greenhouse gases. The lack of a clear position by the United States on specific steps to limit greenhouse gas emissions in the talks is a major obstacle to reaching a successful climate change agreement. The conference substitute places the Congress in support of the reductions in carbon dioxide and other unregulated greenhouse gas emissions, and in support of active U.S. leadership in reaching an agreement in time for the June 1992 United Nations Conference on the Environment and Development.

The conferees find that:

(1) climate change is a common concern of the international community;

(2) numerous international declarations stating the importance of addressing global climate change have been adopted with United States support in international meetings;

(3) all nations need to participate in international responses to climate change;

(4) extensive scientific research has taken place on global climate change, but further study is needed;

(5) the lack of full scientific understanding should not be used as a reason for inaction or postponing actions;

(6) the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world;

(7) meetings of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change are underway; and;

(8) strong leadership by the United States is crucial to achieving an agreement on a framework global climate change convention in time for the United Nations Conference on Environment and Development, to be held in Brazil in June 1992.

INTER-AMERICAN FOUNDATION

The House bill (sec. 161) authorizes appropriation of $28.8 million in fiscal year 1992 and $31 million in fiscal year 1993 for the Inter-American Foundation, adds certain qualifications for board members, requires that the Foundation maintain its principal offices in Washington, D.C. and allows the use of appropriated funds to pay for travel expenses.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 173) is the same as the House bill.

HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS

The House bill (sec. 162) requires a review of housing benefits to U.S. Government personnel assigned to the U.S. Mission to the United Nations, and a report.

The Senate amendment (sec. 170) is almost identical to the House bill.

The conference substitute (sec. 174) is similar to the Senate provision. It requires that the report specified shall be prepared by the Secretary of State.

ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING

The House bill contains a provision (sec. 163) requiring the Secretary of State to pro-

pose to the Secretary General of the United Nations means for expediting implementation of U.N. peacekeeping, and to report on changes in U.S. law which would enhance U.S. participation in such peacekeeping.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 175) adopts the House provision with a technical amendment. The report required by this provision would include, but not be limited to consideration of such issues as the adequacy of the present peacekeeping funding mechanisms and special peacekeeping assessments. Some consideration should also be given to U.S. initiatives that might lead to improving the ability of the United Nations to meet emergency situations around the world.

In preparing the report under subsection (b), the Department should further include the feasibility of providing technical assistance and surplus military equipment and supplies to U.N. peacekeeping operations, and how these might be counted as part of the U.S. peacekeeping assessment.

SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS

The Senate amendment (sec. 164) requires the Secretary of State to submit a report to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House on the purpose, activities, benefits and effect on American consumers of certain international organizations and withholds arrearage payments to these organizations until the report is submitted.

The House bill contains no comparable provision.

The conference substitute (sec. 176) withholds $1 million from the State Department salaries and expenses account until the Secretary of State submits a report on the purpose, activities, benefits and effect on American consumers of certain international organizations. The committee also suggest the $1 million be withheld from those State Department bureaus responsible for preparing the report.

GREAT LAKES FISHERY COMMISSION

The Senate amendment (sec. 168):

(a) contains findings regarding the contributions of Dr. Vernon C. Applegate to the development of effective and environmentally sound methods of sea lamprey eradication; and

(b) authorizes $12,300,000 in fiscal years 1992 and 1993 for U.S. contributions to the Great Lakes Fishery Commission.

The House bill contains no comparable provision.

The conference substitute (sec. 177) is similar to the Senate amendment.

The conferees are concerned that uncontrolled populations of sea lampreys are expanding their range to new streams and tributaries, thus causing a marked increase in the number of sea lampreys. In three of the Great Lakes—Huron, Ontario, and Superior—the number of trout being killed by the parasitic sea lampreys equals or exceeds the number of trout harvested by commercial and sport fisheries combined. Each adult lamprey can destroy up to 40 pounds of fish during its lifetime.

The committee of conference also notes that the Great Lakes sport fishing industry generates $4.4 billion annually in economic activity in the Great Lakes region, resulting in $75 million in Federal tax revenue and $160 million in State tax revenue in 1988 alone.

In view of the destruction sea lampreys can create, the committee of conference has chosen to authorize funding for the Great Lakes Fishery Commission at a level higher than that requested by the administration.

Finally, the committee of conference also takes note of the tremendous contribution made by Dr. Vernon C. Applegate to the eradication of sea lampreys.

INTER-AMERICAN ORGANIZATIONS

The Senate amendment (sec. 169) recommends particular attention to funding levels of Inter-American organizations in allocating U.S. resources.

The House bill contains no comparable provision.

The conference substitute (sec. 178) is the same as the Senate amendment. This section expresses the intent of the Congress that the Secretary of State, in allocating the level of resources for the "Contributions to International Organizations" account (CIO) should pay particular attention to funding levels for Inter-American Organizations. It also contains a finding that the work of these organizations has been of great benefit to the region and that the U.S. itself has benefitted.

As the largest economic power in the hemisphere the assessment levels for the U.S. in the Inter-American Organizations is relatively larger than it is in the UN and Affiliated Agencies. Therefore, an across the board reduction in the CIO account would have a more detrimental impact on the Inter-American Organizations, representing our region, than in the global organizations. Consequently, when distributing resources available for the CIO account, the Department of State should apportion any reductions so as to not affect Inter-American Organizations relatively more than the UN and Affiliated Agencies.

INTERNATIONAL COFFEE ORGANIZATION

The Senate amendment (sec. 170A) contains a provision eliminating all funding to the International Coffee Organization which, for 1992, was to be $899,000.

The House bill contains no similar provision.

The conference substitute (sec. 179) adopts the Senate provision with an amendment. The amendment deletes the requirement to end funding to the International Coffee Organization and replaces this provision with a sense of Congress urging the President to give the highest priority to the interests of U.S. consumers as the new coffee agreement is shaped. Data presented shows that coffee prices to U.S. consumers have been significantly lower in the absence of an International Coffee Agreement (ICA). The conferees were also concerned by the effect of the ICA on countries assigned artificially low quotas.

APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY

The Senate bill (sec. 194) designates a coordinator to direct the U.S. response to international water resource disputes and formulate U.S. policy with regard to water resources.

The House bill contains no comparable provision.

The conference substitute (sec. 180) adopts the Senate language adding an amendment to clarify that the responsibilities of the coordinator may be undertaken in addition to other responsibilities of an individual in a preexisting position.

EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS

The Senate amendment (sec. 932) encourages increased employment of U.S. citizens by certain international organizations.

The House bill contains no comparably provision.

The House recedes to the Senate version (sec. 181). The conferees believe strongly that those international organizations which have a geographic distribution formula to guide employee hiring should move in the direction of significant participation of U.S. citizens. The United Nations and the World Health Organization (WHO) have done so. This section calls for reports, beginning 180 days after enactment and every year thereafter to track the progress of organizations with geographic distribution formulas in increasing American citizen hires.

Inasmuch as the United States is assessed for 25 percent of the budget of many UN system and affiliated organizations, the conferees believe that significant good faith efforts by those agencies which have geographic distribution formulas are needed. Reports required in this section should detail what specific efforts are being made to increase U.S. citizen employment and list the resulting numerical increase in those positions.

The conferees expect good faith efforts to be made by agencies which have fallen short of their own geographic distribution formulas. If increased American hiring fails to result, additional steps should be considered to encourage greater numbers of UN hiring of U.S. citizens.

The conferees are also aware that many U.S. Government employees covered by the Federal Employees Retirement System (FERS), have a disincentive for accepting employment with international organizations. Conferees believe that appropriate congressional committees should take maximum effective steps to remove this barrier by permitting FERS-eligible employees to seek and compete for international organization positions.

PART F—MISCELLANEOUS PROVISIONS

IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

The House bill (sec. 174) contains a provision to ensure the timeliness of the U.S. report on implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies) as adopted by the 40th Session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

The Senate bill contains no comparable provision.

The conference substitute (sec. 192) adopts the House language with a technical amendment. The conferees expect that the Secretary of State will submit the report on U.S. implementation of the Nairobi Strategies to the U.N. Secretary General by the 1995 deadline.

In order to ensure that the 1995 report of the United States is comprehensive and timely, the Committee of Conference directs the Secretary of State to devote adequate funds to this effort.

STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPACITIES.

The House bill (sec. 176) requires a study by the Inspector General of overseas technical security and counterintelligence capabilities of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 193) is the same as the House bill.

STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE

The House bill (sec. 179) requires the Inspector General to report within 180 days on

failure of DOS to comply with previous requirements.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 194) is the same as the House provision with a technical amendment.

It is the sense of the conferees that:

(1) In June 1988, the United States Merit Systems Protection Board issued a report entitled, "Sexual Harassment in the Federal Government: An Update". That report identified the State Department (including the United States Information Agency and the United States Agency for International Development) as having the highest rate of incidence of sexual harassment of women of any agency in the Federal Government.

To provide more detailed information on sexual harassment of women at the Department of State and United States Information Agency, the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 directed the two agencies to contract out with private organizations with expertise in personnel systems and problems no later than 90 days after enactment of that Act to conduct detailed studies of sexual harassment problems at their respective agencies. The private organizations were required to complete their studies and to report to Congress within one year after enactment.

(3) The United States Information Agency entered in a contract with a private organization to begin its study even before enactment of the Act, and submitted a detailed report to Congress within the mandated deadline. That report found that the incidence of sexual harassment of women at the United States Information Agency was not significantly greater than the average for other agencies of the Federal Government as identified by the United States Merit Systems Protection Board. In response to the report, the United States Information Agency has instituted programs to help prevent incidents of sexual harassment and to respond to incidents that do occur, and the Agency has planned period follow up studies to monitor improvement.

(4) The Department of State failed to enter into a contract with a private organization to begin its study until 8 months after enactment of the Act, which was 5 months after the deadline required by law. The delay ensured that the private organization selected to conduct the study would be unable to meet the legislatively mandated deadline for submission of its report. This delay also ensured that the Congress would be unable to consider for inclusion in the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 any recommendations for legislative changes that might be contained in the report.

BUY-AMERICAN REQUIREMENT

The House bill (sec. 181) requires the Department of State to give procurement preferences to a "domestic" firm.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

RESTRICTIONS ON CONTRACT AWARDS

The House bill (sec. 182) prohibits State Department procurement from countries whose governments discriminate against U.S. businesses.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS

The House bill (sec. 183) renders ineligible for a Department of State contract any person determined to use such labels.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 195) is the same as the House bill.

SENSE OF THE CONGRESS

The House bill (sec. 184) requires that any firm that receives contracts pursuant to this act should employ U.S. workers.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

NOTICE

The House bill (sec. 185) requires the Secretary of State to provide notice of the above to contractors.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

DEADLINE FOR RESPONSES TO CONGRESSIONAL COMMITTEES

The Senate amendment (sec. 127) contains a provision requiring the State Department to submit answers to congressional inquiries within 15 days.

The House bill contains no comparable provision.

The conference substitute (sec. 196) is the same as the Senate bill with an amendment to change the deadline for replies to 21 days.

Conferees are increasingly frustrated by the State Department's unwillingness to provide answers promptly. While conferees regret the necessity to set a deadline for responses by law, they see now other practical way to redress the problem.

INTERNATIONAL CREDIT REPORTS

The Senate amendment (sec. 128) mandates a report setting forth criteria for international loans by which the United States will determine the likelihood of repayment by foreign countries or organizations receiving U.S. loans or guarantees, and requires transaction-by-transaction advance reports on all such loans or guarantees.

The House bill contains no comparable provision.

The conference substitute (sec. 197) deletes the requirement for transaction-by-transaction reports, requiring instead a single annual summary report, and simplifies the guidelines for developing loan criteria.

The conferees believe that mention should be made in the report mandated by section 197(a) of the substitute of the extent to which the following criteria are, or could be, used to assess country risk, project loan repayments, and estimate subsidy levels:

(1) the nation or organization's short-term obligations;

(2) the nation or organization's medium-term obligations;

(3) the length of time the loan will be outstanding;

(4) the nation or organization's arrearages;

(5) the economic policy outlook affecting the nation or organization; and

(6) a weighting system that accounts for increasing uncertainties in repayment for loans as their term increases.

FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

The Senate amendment (sec. 171) provides a basic charter for the "Foreign Relations of the United States" historical series (referred to as the "FRUS" series) and provides for the declassification of State Department records generally after 30 years. It provides a legislative mandate for the Advisory Committee on Historical Diplomatic Documentation, and requires other departments and agencies of the U.S. Government to cooperate with the State Department Historian by providing access to records pertinent to U.S. foreign policy decisions and actions.

The House bill (sec. 173) is substantially similar. The bills differ with regard to the phase-in envisioned for bringing the FRUS series up to date and with regard to the schedule for the declassification of State Department records generally.

The conference substitute (sec. 198) provides that the FRUS series shall be published not more than thirty years after the events recorded, and adopts the House provision of a three-year phase-in and an additional 2 years, if required, upon the request of the Secretary of State. It adopts the Senate 30-year requirement on declassification of State Department records, with specified exemptions, with the House provision of a one-year phase-in with a second year available, if needed, upon the request of the Secretary. It includes provisions from both bills for access to other agency records for inclusion in the FRUS series by appropriately cleared individuals in the Office of the State Department Historian and by members of the Advisory Committee, and sets forth procedures for declassification review of such records. It drops a provision in the Senate bill for preparation of "unclassified summaries" of such records.

The conference substitute incorporates language from both bills on the Advisory Committee on Historical Diplomatic Documentation, which is to be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States.

GENERAL ACCOUNTING OFFICE STUDY OF THE FOOD AND AGRICULTURE ORGANIZATION

The House bill (sec. 177) requires a GAO study and report on FAO programs, effectiveness and management.

The Senate amendment contains no comparable provisions.

The conference substitute deletes the House provision.

TRANSITION FOR REFUGEE SHORTFALL

The House bill (sec. 171) allows unused refugee admissions numbers for fiscal year 1991 to remain available during fiscal year 1992. This section also authorizes previously appropriated, but unused funds for these slots to remain available in fiscal year 1993.

The Senate amendment contains no comparable provision.

The conference substitute deletes this provision.

TECHNICAL CORRECTION

The Senate amendment (sec. 193) changes the title of a portion of Public Law 100-513.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—UNITED STATES INFORMATION AGENCY

USIA POSTS AND PERSONNEL OVERSEAS

The House bill (sec. 206) amends existing law to allow USIA to close posts abroad with 45 days' advance notice to the Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 206) is the same as the House bill.

IMPLEMENTATION OF BEIRUT AGREEMENT

The House bill (sec. 207) contains a provision adding language to the "Joint Resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, approved in Beirut in 1948". Under the Agreement, material which is certified as "educational" by the country of its origin is exempt from Customs duties.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 207) adopts the House provision in order to ensure that the United States implements the Beirut Agreement in conformity with its purpose and with the First Amendment to the Constitution of the United States. The provision is intended to ensure that government regulations do not frustrate the purpose of the Agreement by empowering U.S. Government officials to make subjective judgments about the political content or message of documentary films, and thereby impede their circulation abroad by the denial of educational certification. Adoption of the provision is also designed to ensure that determinations by the U.S. Government of the educational character of documentary films are viewpoint-neutral.

SPECIAL IMMIGRANT STATUS FOR CERTAIN USIA EMPLOYEES

The House bill (sec. 208) authorizes use of a limited number of visas for aliens needed by VOA for broadcasting in rare languages, upon certification that equally qualified U.S. workers are not available.

The Senate amendment (sec. 123) creates a new non-immigrant category, for use of any government agency.

The conference substitute adopts neither provision, retaining current law.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH

The House bill (sec. 209) restates existing authority for activities of the North-South Center in Miami, Florida, and provides $10 million in permanent authorization.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 208) is similar to the House bill, but reduces authorization for FY 1992 to $5 million.

CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM

The House bill (sec. 211) authorizes the U.S. Information Agency (USIA) to make grants to the Claude and Mildred Pepper Scholarship Program and authorizes $1 million for such grants.

The Senate amendment (sec. 225) provides $½ million for each fiscal year 1992 and 1993 for seminars in Washington by USIA Educational and Cultural Affairs Bureau to expose students from newly democratic countries to workings of U.S. Government; and $½ million for each fiscal year for scholars, business people and professionals to observe democracy in action here.

The conference substitute (sec. 210) adopts the House provision with an amendment limiting expenditures to $500,000 for the fiscal year 1992.

PROGRAM REVIEW OF NED

The House bill (sec. 212) provides an additional $5 million for the National Endowment for Democracy after the submission of a comprehensive report to Congress by NED on actions the Endowment and its core grantees are taking to respond to the March 1991 report of the General Accounting Office entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement."

The Senate amendment (sec. 208) is functionally identical to the House section with the addition of an annual USIA audit of NED and expresses the Sense of Congress that NED should make every effort to solicit private contributions.

The conference substitute (sec. 211) is identical to Senate section 208 with an amendment to section (c) to require the GAO to respond to NED's report 90 days after enactment rather than after submission of the report.

In July 1991, in response to the GAO report, and in anticipation of congressional action, the National Endowment for Democracy submitted to the Congress a report entitled "Improving the National Endowment for Democracy's Management of Grants: A Blueprint for Action." In a letter to the Senate Foreign Relations and the House Foreign Affairs Committees which accompanied the report, the Chairman of the NED, John Richardson, said that "the Endowment takes seriously its responsibility to provide oversight of its grant-making activities and can assure Congress that this important issue is being given the Endowment's full attention."

While the conferees agree that the Endowment has met the conditions in subsection (b) and is thus eligible for the additional funds authorized under subsection (a), the conferees believe that the language in the bill should be retained to demonstrate the need for the Endowment to implement fully the GAO's recommendations which can increase Congressional confidence in NED. The conferees look forward to the receipt of the GAO's response to the NED report.

USIA GRANTS

The House bill (sec. 213) includes a section to promote competitiveness in grant making by USIA.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 212) adopts the House provision with an amendment. This section requires the United States Information Agency to establish greater competition in the awarding of grants in an atmosphere free of politicization where all grant applicants are evaluated equitably.

This provision stems from an audit report issued by the Office of the USIA Inspector General on the Bureau of Educational and Cultural Affairs, dated November 9, 1990, which raised serious concerns about the adequacy of competition in the awarding of grants. But in requiring USIA to strengthen significantly competitive procedures in the grant making process, the conferees do not intend USIA to ignore other important considerations, such as costs, ability to perform, and long-term foreign policy interests.

The conference substitute amendment clarifies the intent of the House provision that the requirement of enhanced competition does not necessarily require an alteration of the present arrangement between USIA and organizations that implement the Fulbright and similar long-standing exchange programs important to the conduct of U.S. foreign policy. In these programs, it is not, in and of itself, unacceptable that annual grants be made to organizations which have over the years developed particular expertise in their administration. The amendment also clarifies that the report required under subsection (d) should cover all steps taken to increase competition in grant making, including but not limited to the recommendations of the Inspector General Office in its November 9, 1990 report.

ISRAELI-ARAB SCHOLARSHIP PROGRAM

The House bill (sec. 215) establishes an endowment in USIA to provide scholarships for Israeli Arabs to pursue higher education in the United States. Funding of the endowment will result from an existing foreign operations appropriation in FY 1990.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 214) is the same as the House bill.

ELIGIBILITY OF NED FOR GRANTS

The House bill (sec. 216) prevents officers and employees of the National Endowment for Democracy's four core grantees from sitting on the board or serving as an officer of the National Endowment for Democracy after January 31, 1993.

The Senate amendment (sec. 921) prevents an active member of the leadership of any NED grantee which receives more than 5 percent of NED funds from sitting on the NED board.

The conference substitute (sec. 215) is the Senate provision with a technical amendment.

ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS

The Senate amendment (sec. 603) requires the Director of the United States Information Agency to establish an office in Vientiane, Laos to assist in the propagation of American political and economic values.

The House bill contains no comparable provision.

The conference substitute (sec. 216) is identical to the Senate provision.

PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT

The Senate amendment (sec. 222) authorizes the appropriation of $2,700,000 in fiscal years 1992 and 1993 to increase amounts available to the Bureau of Educational and Cultural Affairs for academic exchange programs involving Latin America, Asia, and Africa.

The House bill contains no comparable provision.

The conference substitute (sec. 222) is similar to the Senate amendment, but authorizes the funds specifically for the Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

USIA CULTURAL CENTER IN KOSOVO

The Senate amendment (sec. 206) requires the Director of the United States Information Agency to establish a cultural center in Kosovo, Yugoslavia, 90 days after the date of enactment of this act.

The House bill contains no comparable provision.

The conference substitute (sec. 223) requires the Director of USIA to establish a cultural center in Kosovo, Yugoslavia at such time when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured. In determining that there should be a delay in establishing the center, the Department of State shall not apply stricter security standards than those governing the establishment of centers elsewhere in the world or those governing the closing of centers already operating in Yugoslavia.

CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS

The Senate amendment (sec. 223) extends to fiscal year 1992 and fiscal year 1993 provisions of the 1990-1991 authorization act to provide scholarships to Tibetan and Burmese students and professionals.

The House bill contains no comparable provision.

The conference substitute (sec. 224) is the same as the Senate amendment.

POLICY ON EXPANDING GERMAN PARTICIPATION IN CONGRESS-BUNDESTAG EXCHANGE PROGRAM

The Senate amendment (sec. 224) encourages that participation in the Congress-Bundestag exchange program be expanded to include citizens from the former German Democratic Republic.

The House bill contains no similar provision.

The conference substitute deletes the provision.

The committee of conference encourages the United States Information Agency to work with its German counterparts in the Congress-Bundestag Exchange Program to emphasize the participation of former citizens of the German Democratic Republic and strive to insure that Germans from the eastern portion of that now reunified country are given every opportunity to participate fully in German-American bilateral exchange programs and thereby expand their first-hand knowledge of the United States.

EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND

The Senate amendment (sec. 226) establishes an endowment to support exchanges of secondary school students between the U.S. and Eastern Europe, and authorizes a one-time appropriation of $4 million for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 225) is the same as the Senate amendment, but reduces the authorization level to $1 million.

ENHANCED EDUCATIONAL EXCHANGE PROGRAM

The Senate amendment (secs. 241-244) requires USIA to increase the numbers of exchange scholarships between the U.S., Eastern Europe and the Soviet Union, and non-European or other countries which have not been adequately represented in the foreign student population in the United States, and authorizes the appropriation of $10 million in each of fiscal years 1992 and 1993 for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 226) adopts the Senate provision with amendments reducing the authorization level to $2 million and the number of exchanges to 200.

With regard to eligibility for participation in the program, this section provides USIA with the flexibility to administer programs for both undergraduate and graduate students. The conferees urge the Director of USIA to develop a diverse program with particular attention to the needs of undergraduate students.

LAW AND BUSINESS TRAINING PROGRAM FOR SOVIET GRADUATE STUDENTS

The Senate amendment (title XII) establishes a program of scholarships to allow Soviet graduate students in law, business and public administration to study in the United States, and authorizes the appropriation of $10 million in each of fiscal years 1992 and 1993 for this purpose.

The House bill contains no comparable provision.

The conference substitute (sec. 227) is the same as the Senate amendment, but reduces the authorization level to $7 million.

The conferees expect that USIA will implement the program immediately so that the initial group of students will arrive in September of 1992. This will require a timely commitment of funds so that work can begin in a prompt and orderly fashion with cooperating institutions in the various Republics and with schools in the United States to achieve the goal of placing students in school by September of 1992. Several groups exist which have the capability of getting the first year under way, and the conferees expect USIA will work with groups which have the relevant and necessary experience to administer such programs in this region. In subsequent years, the conferees intend that USIA will follow normal competitive procedures in administering this program.

The conferees intend the term "Soviet Union" as used in this section to include the people and republics of the Soviet Union as constituted at the date of enactment.

NEAR AND MIDDLE EAST RESEARCH AND TRAINING

The Senate amendment (secs. 181-182) contains a provision to promote research and training relating to the countries of South and Central Asia, the Middle East and North Africa, and authorizes funds through the budget of the Department of State (section 105(3)) to support such research and training.

The House bill contains no comparable provision.

The conference substitute (sec. 228) adopts the Senate provision with an amendment. The amendment authorizes the Director of USIA to support studies of the region with such sums as are appropriate from the budget for the Bureau of Educational and Cultural Affairs, and requires him to consult with experts inside and outside government, and to submit recommendations to Congress on the conduct of educational and cultural exchange programs administered and funded by the agency. The purpose of this review is to ensure that there is an assessment of the importance in this region relative to those in other regions, and of the emphasis which should be placed on support of U.S. scholars relative to support for other educational and cultural exchanges. In making his recommendations, the Director should consult with the Social Science Research Council, the International Exchange Association, and other similar organizations.

The conference substitute (sec. 221(7)) also authorizes funds for fiscal year 1993 for Near and Middle East Programs, through the USIA's budget for the Bureau of Educational and Cultural Affairs. It does so with the understanding that some of those resources will be directed, as appropriate and otherwise authorized by law, for the purposes of section 228, to assist graduate and postdoctoral studies relating to the countries of South and Central Asia, the Middle East and North Africa. The conferees intend that these funds shall be directed to programs relating to the "Near and Middle East" as defined in subsection (d) of section 228 of the conference substitute.

House conferees were not persuaded about the need for special resources for studies of the Arab world and Israel. The conference substitute was adopted because Near and Middle Eastern studies as covered here includes all the countries covered by the Bureau of Near Eastern and South Asian Affairs. The conference substitue is adopted with the understanding that for purposes of implementations of either of the above sections, the sub-regions and countries on which USIA will place greatest emphasis in its funding decisions are those which are presently neglected, such as those of the South Asian subcontinent, Iran and Afghanistan, and those areas and peoples of North Africa which have hitherto received insufficient attention.

Payments under this program, may be made, as appropriate and authorized by law, to individuals or institutions of higher learning, in the United States or in other countries. Payments to institutions should be for programs to be conducted on a cost-sharing basis. Payments may be for postdoctoral research as part of a national research program, for support of graduate, postdoctoral and teaching fellowships for advanced training, for dissemination of research, data and findings, for the conduct of seminars, conferences and workshops, to support language training, including summer language institutes, and to conduct specialized programs in advanced training and research on a reciprocal basis with countries of the region to facilitate access to research institutes, personnel, archives, documentation, and other research and training resources.

The adoption of the provision in the conference substitute is based upon the following considerations:

(1) factual knowledge, independently verified, about these countries is of utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about these countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government; and

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced training;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists; and

(E) firsthand experience of these countries by American specialists, including on-site conduct of advanced training and research to the extent practicable; and

(4) it is in the national interest for the U.S. Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals and, thereby, to stablize the conduct of these functions on a national scale, consistently, and on a long-range unclassified basis.

SCHOLARSHIPS FOR VIETNAMESE

The Senate amendment (sec. 612) creates 15 scholarships for each of the fiscal years 1992 and 1993 to be administered by the U.S. Information Agency for Vietnamese residents in Vietnam to study at U.S. colleges and universities for a minimum of one semester. Preference is stated for those students intending to pursue studies in economics and commercial law.

The House bill contains no comparable provision.

The conference substitute (sec. 229) adopts the Senate provision with a technical amendment clarifying the eligibility of students.

The conferees fully expect that the United States Information Agency shall consult with the Congress on establishing procedures and criteria for implementing these scholarships. Further, the implementation of these scholarships shall not prejudice questions involving the normalization of relations between the United States and the Socialist Republic of Vietnam.

PART C—BUREAU OF BROADCASTING

TELEVISION BROADCASTING TO CUBA ACT

The House bill (sec. 232) authorizes funds appropriated for TV Marti to remain available until expended.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 232) is the same as the House bill.

YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA

The Senate amendment (sec. 207) mandates the establishment of separate Croatian and Serbian programs within the Yugoslavia section of VOA.

The House bill contains no comparable provision.

The conference substitute (sec. 233) is the same as the Senate amendment.

VOICE OF AMERICA BROADCASTS IN KURDISH

The Senate amendment (sec. 234) requires VOA to begin broadcast programming in Kurdish within six months, requires BIB to submit a plan for a surrogate Kurdish service, sets out reporting requirements and authorizes $1 million in each of fiscal years 1992 and 1993 for the VOA Kurdish service.

The House bill contains no comparable provision.

The Conference substitute (sec. 234) is similar to the Senate provision, but contains no funding authorization.

REPORTS ON THE FUTURE ON INTERNATIONAL BROADCASTING

The Senate amendment (sec. 232) requires the President to provide Congress with the report of the Policy Coordinating Commission (PCC) on international broadcasting within 15 days of enactment of the bill. It also requires the Task Force on United States Government International Broadcasting to provide Congress with a copy of its report to the President when completed.

The House bill contains no comparable provision.

The conference substitute (sec. 235) is the same as the Senate amendment.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

BOARD FOR INTERNATIONAL BROADCASTING ACT

The Senate amendment (sec. 302) amends section 8(b) of the Board for International Broadcasting Act of 1973 to allow the Board for International Broadcasting (BIB) to use funds in its currency fluctuation account to make payments to Radio Free Europe/Radio Liberty's pension funds in order to avoid future pension liability. Under current law those funds can only be used to offset currency exchange losses.

The House bill contains no comparable provision.

The conference substitute (sec. 242) is the same as the Senate amendment.

BROADCASTING TO CHINA

The Senate amendment (sec. 233) establishes a commission to study the feasibility, effect, and implications for United States foreign policy, of instituting a radio broadcasting service to the People's Republic of China to provide news and information regarding events inside China.

The House bill contained no similar provision.

The conference substitute (sec. 243) is the Senate provision with a House amendment that tasks the commission to examine also whether the United States should institute broadcasting, as outlined in this provision, to other communist countries in Asia.

The conferees believe that services, providing a greater focus on events in each of the respective countries, could add a critical complement to current Voice of America (VOA) broadcasting to China.

The conferees note that Radio Free Europe and Radio Liberty have demonstrated that surrogate broadcasting is a cost-effective means of promoting democratic ideals and supporting the right of all people to "seek, receive and impart information and ideas," a concept enshrined in article 19 of the Universal Declaration of Human Rights.

The conferees understand that the President's Task Force on International Broadcasting is presently engaged in a comprehensive review of United States Government broadcasting needs world wide, including Asia. The conferees expect that, in undertaking this more extensive review of broadcasting requirements in the specified countries in Asia, the commissioners will take into account the Asia-related recommendations of the President's Task Force. The conferees encourage the commission to examine and assess the broadest range of broadcast options. In addition, the conferees expect that the commission—to be appointed jointly by the President and the Congressional leadership—will include both regional experts and experts on international broadcasting.

The conferees look forward to receiving the report of this commission and, together with the reports of the President's Task Force and the Policy Coordinating Commission, expect that they will make a valuable contribution to Congress' full scale review of U.S. Government International Broadcasting operations.

POLICY ON RFE/RL

The Senate Amendment (sec. 303) expresses the sense of Congress that RFE broadcasts should not be curtailed to any East European country until those countries have achieved a pattern of free and fair elections.

The House bill has no comparable provision.

The Conference substitute (sec. 244) amends the Senate language to clarify the Conferees intent that it is not necessary that BIB maintain its current levels of services in each language without regard to changing circumstances. The substitute expresses the sense of Congress that nations served by BIB programming should have clearly demonstrated the successful establishment and consolidation of democratic rule before BIB services to that country are ended.

The Conferees found that Radio Free Europe:

(1) by providing valuable information to the people of Eastern Europe played a critical role for four decades in helping to foster and sustain the aspiration for democracy in that region;

(2) can and should continue to disseminate reliable and timely information to the people of Eastern Europe not only during the period of transition to democracy but also while democratic institutions are strengthened; and

(3) has been praised by the current democratic leaders in Eastern Europe as an important contribution to public knowledge and the free flow of information during the consolidation of Eastern Europe's new democracies.

TITLE III—MISCELLANEOUS FOREIGN AFFAIRS PROVISIONS

PART A—FOREIGN POLICY PROVISIONS

PLO COMMITMENTS COMPLIANCE

The House bill (sec. 301) updates provisions of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 to maintain executive branch reporting requirements on the currently-suspended U.S.-PLO diaglogue.

The Senate amendment (sec. 901) contains a comparable provision.

The conference substitute contains neither provision. A comparable provision is contained in H.R. 2508, the International Cooperation Act of 1991 (Sec. 613).

PERSIAN GULF WAR CRIMINALS

The Senate amendment (title VII) contains a provision to facilitate the prosecution of Persian Gulf war criminals.

The House bill contains no comparable provision.

The conference substitute (sec. 301) adopts the Senate provision with an amendment. The amendment expresses the sense of the Congress that the President should propose the establishment of an international tribunal for the prosecution of Persian Gulf war criminals, and requires the Secretary of State to designate a high level official to coordinate the U.S. efforts to further the prosecution of such war criminals. The amendment also requires a report to Congress on the subjects covered by this provision.

The conferees understand that the executive branch, particularly the Department of Defense, has collected and maintained evidence of crimes committed by Persian Gulf war criminals. The conferees encourage inter-agency cooperation in such efforts, and consultation among the Secretaries of State and Defense and the Attorney General on the question of appropriate jurisdiction for the prosecution of Persian Gulf war criminals. The conferees expect that the high-level official designated by the Secretary to coordinate the efforts under this provision will be of the rank of Assistant Secretary of State.

The conference substitute adopts the Senate provision for the following reasons:

(1) the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

(2) the United Nations has reaffirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgments of the Tribunal;

(3) the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

(4) on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

(5) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (also known as the "Fourth Geneva Convention") imposes certain obligations upon a belligerent state occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict and requires that persons committing "grave breaches" are to be apprehended and subject to trial;

(6) "grave breaches" are defined to include "willful killing, torture, or inhuman treat-

ment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

(7) there is evidence that Iraqi authorities have violated provisions of the Fourth Geneva Convention through their inhumane treatment and acts of violence against the Kuwaiti civilian population by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information, and by other actions;

(8) both Iraq and Kuwait are parties to the Fourth Geneva Convention;

(9) the Geneva Convention Relative to the Treatment of Prisoners of War (also known as the "Third Geneva Convention") sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(10) there is evidence that Iraqi authorities have violated provisions of the Third Geneva Convention by their physical and psychological abuse of military and civilian prisoners, of war, including members of the international press, by placing prisoners of war in solitary confinement, failing to shelter them against air bombardment, and denying them contact with the outside world, and by other actions;

(11) Iraq is a party to the Third Geneva Convention;

(12) there is evidence that Iraqi authorities committed crimes against peace by firing missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

(13) Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland on May 8, 1977, which provides in Article 1 that: Each State party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party and there is evidence that Iraqi authorities, by inflicting grave risk to the health and well-being of innocent civilians in the region by willfully setting on fire Kuwaiti oil wells and willfully spilling oil into the Persian Gulf, resulting in the mass pollution of air and water, have committed crimes against the peace, in that such acts constitute engaging in military and other hostile uses of environmental modification techniques;

(14) there is evidence that Iraqi authorities have violated, and continue to violate, international law, by using chemical and other illegal weapons against the citizens of Iraq, by shelling and bombing indiscriminately the cities and other civilian-populated regions of Iraq, by torturing and committing the summary killing of tens of thousands of Iraqi citizens, and by expelling through force and threats of force millions of Kurdish and Shi'a citizens of Iraq; and

(15) Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

The intended scope of this provision is as follows:

(1) the term "crimes under international law" means crimes against humanity, crimes against peace, and war crimes.

(2) the terms "crimes against humanity" means murder, extermination, enslavement, deportation, or any other inhumane act committed against any civilian population, or any persecution on political, racial, or religious grounds;

(3) the term "crimes against peace" means the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any such act or engaging in military or other hostile uses of environmental modification techniques having widespread, long-lasting, or severe effects as a means of destruction, damage, or injury of another country;

(4) the term "war crimes" means violations of the laws or customs of war, including violations of any of the Geneva Conventions;

(5) the term "Iraqi authorities" means any officer, employee, or agent of the Government of Iraq (or any agency or instrumentality thereof), including any member of the armed forces or security forces of Iraq;

(6) the term "Persian Gulf region" means the region consisting of the Persian Gulf and the countries bordering the Persian Gulf, including Iraq; and

(7) the term "Persian Gulf war criminals" means Iraqi authorities who have committed crimes under international law in the Persian Gulf region at any time on or after August 25, 1988.

BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON

The Senate amendment (sec. 907) extends eligibility for certain salary and insurance benefits for United States hostages in Iraq, Kuwait, and Lebanon which were adopted in the Foreign Operations Export Financing, and Related Programs Appropriations Act for fiscal year 1991. The amendment enables the Department of State to consider applications from qualified individuals who may have been hostages in Iraq or Kuwait, but did not present their cases before May 5, 1991, when the authority to obligate funds for the provision of benefits terminated. In the case of U.S. hostages in Lebanaon, the provision extends the period of entitlement for health and life insurance benefits to the period of the hostage status plus 60 months following the termination of such status.

The House bill contains no comparable provision.

The conference substitute (sec. 302) is the same as the Senate provision.

REPORT ON CHINA

The House provisions (sec. 180) requires a report to the Congress and the Secretariat of the OECD from the Secretary of State regarding the extent to which U.S. businesses operating in the People's Republic of China are following enumerated human rights practices in their regular business operations.

The Senate provision (sec. 925) requires the President to submit a report to the Congress, 45 days prior to his announcement regarding the renewal of MFN status for the People's Republic of China. The report is to discuss China's progress or lack thereof since the Tiananmen Square massacre regarding the human rights situation, controlling weapons proliferation, and reducing Chinese imposed barriers in the U.S.-Chinese trading relationship.

The conference substitute (sec. 303) deleted the House provision because a similar reporting requirement was included in H.R. 2508, the International Cooperation Act of 1991 (chapter 3 of title IX). The conference substitute maintains the Senate provision requiring the reports from the President not later than May 1 of 1992 and 1993. The report will discuss China's progress or lack thereof since the Tiananmen Square massacre regarding the human rights situation, controlling weapons proliferation, and enumerated issues regarding U.S.-Chinese trade not discussed in the National Trade Estimate Report required under section 181 of the Trade Act of 1984.

REPORT ON TERRORIST ASSETS IN THE UNITED STATES

The Senate amendment (sec. 926) contains a provision requiring a report on the assets of terrorist countries, nationals of such countries, and organizations and individuals engaged in terrorism.

The House bill contains no comparable provision.

The conference substitute (sec. 304) adopts the Senate provision with an amendment. The executive branch expressed concern about the administrative burden that would result from the compilation of information about the assets of individuals. House conferees were concerned about government collection of private information on individuals based solely on their nationality, with no requirement that they be engaged in any unlawful activity. Accordingly, the amendment to the Senate language made by the substitute deletes the requirement of reporting on individuals' assets. However, assets nominally held by an individual on behalf of terrorist organizations covered by this section would be the appropriate subject of the report under this section.

The executive branch also suggested that the application of a standard definition of terrorism would allow for a clearer and more effective fulfillment of its reporting responsibilities, and suggested that the terrorist organizations to be reported on should be defined consistent with the executive's existing responsibilities. Conferees were also concerned that ambiguity about the definition of terrorism would result in the application of the reporting requirement to groups or individuals engaged in activities that would be protected by the First Amendment to the Constitution of the United States, if engaged in by U.S. citizens, or legitimate humanitarian, charitable and relief activities. To address both these concerns, the amendment to the Senate language applies the definition of terrorist activities found in the annual reporting requirements found in Section 140(d) of the Foreign Relations Authorization Act for Fiscal Years 1988 and 1989. The conferees adopted this definition in the understanding that it will cover organizations such as those components of the PLO which now engage in terrorism as defined in section 140(d) of that Act. The conferees understand that this provision bars the application of the reporting requirement to individual citizens, aliens or groups on the basis of activities which would be protected by the U.S. Constitution if engaged in by U.S. citizens.

SENSE OF THE CONGRESS CONCERNING SUSTAINED DIPLOMACY IN THE MIDDLE EAST

The House bill (sec. 304) commends the Secretary of State for his sustained efforts to bring about peace in the Middle East.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate bill.

PART B—ARMS CONTROL

LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES

The Senate amendment (sec. 905) amends section 40(f) of the Arms Export Control Act by providing for a 45-day notification period to Congress of removal of a country from the terrorist list on grounds of a change in the leadership and policies of such a government. Section 905 further provides for congressional disapproval of any country's removal by means of a joint resolution of Congress under expedited procedures as contained in the Defense Department Appropriations Act (Public Law 98-473).

The House bill contains no comparable provision.

The conference substitute (sec. 321) provides for consideration of a resolution of disapproval under expedited procedures of the determination to remove a country from the list of terrorist countries, where the determination to remove a country is on grounds other than a change in the leadership and policies of the country.

POLICY ON MIDDLE EAST ARMS SALES

The Senate amendment (sec. 914) states that the authority to make arms sales to the Middle East shall be exercised as required by law and in accord with the four objectives set forth. The first objective is to limit sales to those where recipients have given reliable assurances that the defense articles and services shall be used only for the specified purposes. The second requirement is that the transfer not contribute to an arms race. The third requirement is that the administration take steps to ensure that each recipient affirm the right of all nations in the region to exist within safe and secure borders and support direct regional peace negotiations. The fourth requirement is that, with the agreement of other suppliers, no transfers take place which would introduce newly developed advanced defense articles that would create new and significantly higher combat capabilities in the region.

The House bill has no comparable provision.

The conference substitute (sec. 322) contains a provision similar to the Senate language. Instead of requiring that the conditions be met, it states that the President should meet the first three requirements.

MISSILE TECHNOLOGY

The Senate amendment (sec. 918) clarifies that, with regard to the proliferation of missile technology, sanctionable activity includes not only transfer of the technology and design of missiles, but of the missiles themselves. Section 918 also makes governments with non-market economies responsible for export activities nominally carried out by companies within the country.

The House bill contains no comparable provision.

The conference substitute (sec. 323) contains the Senate language but clarifies that it does not apply to countries with non-market economies that were once members of the former Warsaw Pact.

REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES

The Senate provision (sec. 924) requires that within 90 days of enactment of this Act, the President shall submit a report to the Senate Foreign Relations Committee and to the House Committee on Foreign Affairs, in classified and unclassified form, on Chinese nuclear, chemical, biological and missile proliferation practices that improve the military capabilities of the nations in the Middle East and South Asia.

The House bill had no corresponding provision.

The Conference substitute (sec. 324) is the Senate provision.

REPORT ON SS-23 MISSILES

The Senate amendment (part of sec. 142) requires that a report be submitted to Congress prior to ratification of START treaty specifying whether the U.S.S.R. has destroyed SS-23s in former bloc countries and whether they constitute a violation of the INF treaty.

The House bill contains no comparable provision.

The conference substitute (sec. 325) is the same as the Senate amendment.

PART C—DECLARATIONS OF CONGRESS

UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA

The House bill (sec. 303) requires the executive branch to report on options for an enhanced U.S. presence in Lithuania, Latvia, Estonia, and the Republics in the Soviet Union.

The Senate amendment (sec. 903) is comparable to the House provision. In addition, it calls for the establishment of a U.S.-Baltic Development Program and endorses the expansion of cultural, informational, and commercial relations.

The conference substitute (sec. 352) expresses the sense of Congress that the U.S. Government should establish embassies fully staffed to conduct diplomatic, cultural, informational, and commercial relations between the United States and Lithuania, Lativa, and Estonia.

LAOTIAN-AMERICAN RELATIONS

The Senate amendment (sections 601-602) contains provisions to encourage the upgrading of Laotian-American relations.

The House bill contains no comparable provision.

The conference substitute (sec. 353) expresses the sense of the Congress that the President should upgrade American diplomatic representation in Laos to the level of Ambassador, ensure that an American military attache is permanently assigned to Laos to assist the recovery of American prisoners of war and missing in action, and ensure that Drug Enforcement Administration personnel are permanently assigned, when practicable, to Laos for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

The committee of conference notes that the United States has maintained diplomatic relations with Laos since 1950 and that the Laotian government recently enacted broad-based economic reforms, including privatization of state enterprises and decollectivization of the agricultural sector, and is accelerating efforts to adopt a legal system based on Western legal precepts with the assistance of Harvard Law School. The committee of conference also notes that the Laotian government has substantially improved its assistance to the United States in the recovery of American prisoners of war and missing in action from the Vietnam War.

The committee of conference notes that while the government of Laos has taken some steps on narcotics control, much more needs to be done to improve the level of law enforcement activity, especially against officials involved in narcotics trafficking and in the degree of cooperation with the U.S. Drug Enforcement Administration. The conferees welcome the step taken, but note that they have not led to a significant increase in law enforcement activity. The conferees encourage the U.S. Government to continue to press for a closer professional and operational relationship between the DEA and the Government of Laos, in order to make it practicable for DEA to establish a full-time presence in Laos.

POW/MIA STATUS

The Senate amendment (sec. 622) expresses the sense of Congress regarding the accounting of American POW/MIAs missing in Southeast Asia.

The House bill contains no comparable provision.

The conference substitute (sec. 354) adopts the Senate language with a technical amendment. The United States is committed to resolving the fate of the over 2,200 Americans unaccounted for in Southeast Asia as a matter of the highest national priority. The conferees believe that the United States should reaffirm this commitment consistently and fulfill promises made to the families of the Americans unaccounted for in Southeast Asia.

CHINA'S ILLEGAL CONTROL OF TIBET

The Senate amendment (sec. 909) contains a provision expressing a policy recognizing that Tibet, including areas of it incorporated into neighboring Chinese provinces, is an occupied country under established principles of international law, whose true representatives are the Dalai Lama and the Tibetan Government in exile.

The House bill contains no comparable provision.

The conference substitute (Sec. 355) adopts the Senate provision with an amendment. The amendment adds to the expression of policy the conclusions that were embodied in the "Findings" of the Senate language, namely that the distinctive national existence of Tibet has been recognized by major powers and by its neighbors, that its invasion by China was illegal, that it is U.S. policy to condemn illegal uses of force by a country against the sovereignty of another, and that numerous statements of U.S. policy since the Chinese invasion have recognized the Tibetan people's right to self determination and the illegality of the Chinese invasion.

This provision is adopted on the basis of findings that—

(1) Tibet has maintained throughout its history a distinctive national, cultural, and religious identity separate from that of China;

(2) Chinese archival documents and traditional dynastic histories, including those pertaining to periods of Manchu and Mongol rule, never refer to Tibet being made "an integral part" of China;

(3) several countries including Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, Czarist Russia and the United States recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese Government;

(4) the United States respected Tibet's neutrality in the Second World War, and the emissaries sent in 1942 by President Roosevelt on a diplomatic mission to the Tibetan Government traveled on documents issued directly by the Tibetan Foreign Ministry;

(5) in 1949-50, China launched an armed invasion of Tibet in contravention of international law;

(6) at the time of the Chinese occupation, Tibet possessed all the attributes of statehood under international law including a defined territory and population, an independent government, and the ability to conduct domestic affairs and independent international relations, as found in 1960 by the International Commission of Jurists;

(7) the United States State Department in December 1950, condemned China's aggression in Tibet and affirmed the Tibetan people's "inherent right . . . to have the determining voice in its political destiny";

(8) in 1959, the United States State Department again condemned China's aggression in Tibet and the dissolution of "the legitimate Tibetan Government" and stated that "the United States has never recognized the pretensions to sovereignty over Tibet put forward by the Chinese Communist regime";

(9) in 1959, members of the Tibetan Government including the head of state, the Fourteenth Dalai Lama, sought political asylum in India following a national uprising against the Chinese occupying forces, and established a government in exile which continues to operate today and is recognized by the Tibetan people as the only legitimate Government of Tibet;

(10) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another;

(11) the United States actively supported Tibet in the United Nations in both condemning China and calling for Tibet's right to self-determination in General Assembly Resolutions 1353 (1959), 1723 (1961), and 2079 (1965);

(12) On December 16, 1961, at the United Nations, United States Ambassador Plimpton said "The Chinese Communists have invaded Tibet in force. They have forcibly overthrown the legally constituted Government of Tibet headed by the Dalai Lama" and that "the United States believes that our objectives must include the restoration of the human rights of the Tibetan people and of their national right of self-determination";

(13) on December 17, 1965, at the United Nations, United States Ambassador Goldberg stated in debating the question of Tibet that "The people of America, born in freedom, must obviously be repelled by any act of aggression . . . perpetrated by a large State against a small and weak one . . ." and that "Tibet has been reduced to political and economic impotence," and that "We are therefore called upon in this bitter hour to concern ourselves with the suffering of those who have lost their country . . .";

(14) China's illegal occupation of Tibet continues to this day; and

(15) the United States should not condone aggression by accepting China's claim to sovereignty over Tibet.

RELEASE OF PRISONERS HELD IN IRAQ

The Senate amendment (sec. 910) contained a provision stating that the President shall not lift sanctions until Iraq releases all POWs and accounts for all MIAs, including Kuwaiti residents detained by Iraq; the Secretary of State shall maintain and report a list of all detained Kuwaitis.

The House bill contained no comparable provision.

The conference substitute (sec. 356) adopts the Senate provision with amendments.

The amendment expresses the sense of Congress that the President should not lift U.S. economic sanctions currently in place against Iraq, and should continue to work to ensure that the multinational coalition maintains the full range of economic sanctions contained in the pertinent United Nations Security Council resolutions. The amendment also expresses the sense of Congress that economic sanctions against Iraq should remain in effect until Iraq has released all prisoners and has accounted as fully as possible for all those missing as a result of its invasion of Kuwait. In addition, the amendment requires the Secretary of State to continue to consult with the International Committee of the Red Cross regarding the status of individuals believed to have been captured or detained by the government of Iraq, and requires a report to Congress on steps taken and actions planned to bring about the release of the remaining prisoners.

The conference substitute adopts this provision for the following reasons:

(1) the United States was at the forefront of the United Nations' effort to liberate Kuwait from the hand of a destructive tyrant, Saddam Hussein;

(2) the American people are deeply committed to the liberation of individuals held against their will by the Government of Iraq;

(3) reports indicate the Government of Iraq still holds more than 2,000 prisoners within Iraq, of whom the predominance are Kuwaitis, including citizens of various other countries;

(4) all those still held as prisoners in Iraq deserve to be liberated from the grip of Saddam Hussein; and

(5) the International Committee of the Red Cross, in conjunction with the Government of Kuwait and the United Nations Security Council, is working to determine the number of individuals still held prisoner by Iraq for the purpose of securing their release;

(6) the Government of Iraq should cooperate fully with the International Committee of the Red Cross and the Government of Kuwait by providing information regarding the individuals taken captive during its occupation of Kuwait and facilitating the immediate release of all individuals being held against their will.

The Secretary of State should continue to make every effort to ensure that Iraq releases all individuals currently held in captivity pursuant to Iraq's obligations under the Fourth Geneva Convention and the pertinent U.N. Security Council resolutions.

POLICY TOWARD HONG KONG

The Senate amendment (sec. 912) expresses the sense of the Congress in favor of the extension of civil liberties to the people of Hong Kong by the Government of the United Kingdom.

The House bill contains no comparable provision.

The conference substitute (sec. 357) adopts the Senate provision with a technical amendment.

The Congress finds that Hong Kong is in a crucial transition period in the years prior to 1997, when it will revert to the control of the People's Republic of China. Britain's leadership has promoted a period of unprecedented prosperity for the colony, and created a global trade and financial center, accompanied by a political system providing a high degree of civil liberties and personal freedoms without self-government. Respected British political leaders have called for a more fully representative government in Hong Kong before 1997; China's commitment to leaving in place the current social and economic system after 1997 has been called into question by the proposed "Basic Law" which will govern Hong Kong after 1997 and by China's treatment of its own peaceful dissidents at Tiananmen Square.

Consistent with the policy of this section, the conferees believe that the Governor of Hong Kong should be significantly guided by the views of the 18 representatives of the Legislative Council, who were elected by the people of Hong Kong on September 15, 1991, concerning the Governor's appointment of the remaining 21 members of the Council.

POLICY TOWARD TAIWAN

The Senate amendment (sec. 913) expresses the sense of Congress regarding Taiwan's economy and its membership in international economic organizations.

The House bill contains no comparable provision.

The conference substitute (sec. 358) adopts the Senate provision with an amendment. Taiwan has made substantial economic progress and now plays a major role in international and regional trade. Taiwan has already been admitted in the Asia-Pacific Economic Cooperation (APEC) group. In view of these developments, the conferees believe that the United States should support Taiwan's admission into other major international economic and financial organizations, particularly the General Agreement on Tariffs and Trade (GATT).

HUMAN RIGHTS ABUSES IN EAST TIMOR

The Senate amendment (sec. 916) expressed the sense of Congress concerning human rights abuses in East Timor.

The House bill contained no comparable provision.

The conference substitute (sec. 359) adopted the Senate provision with an amendment.

SUPPORT FOR NEW DEMOCRACIES

The Senate amendment (sec. 917) under the title "Support for Democracy in the Baltic States" states that it is the policy of the United States to support and encourage democratization within the Soviet Union and self-determination and independence for Soviet republics and Lithuania, Latvia and Estonia, including support for observer or other appropriate status in international organizations, particularly the CSCE process. The amendment requires an annual report from the Secretary of State to the Congress on actual and threatened uses of force against Lithuania, Latvia and Estonia and Soviet republics.

The House bill contains no comparable provision.

The conference substitute (sec. 360) preserves the essence of the Senate amendment but deletes the reference to support for independence for Lithuania, Latvia and Estonia which is now a recognized fact. It also provides that the U.S. should shape its foreign assistance and other programs to support those republics in the Soviet Union which pursue a democratic and market-oriented course of development and demonstrate a commitment to abide by the rule of law. The requirement of an annual report on actual or threatened uses of force against Lithuania, Latvia and Estonia and Soviet republics is dropped.

POLICY REGARDING ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA

The Senate amendment (sec. 928) under the title "Provision for Direct United States Assistance To and Trade with Democratic Governments at the Republic Level" maintains that it is the policy of the U.S. to provide foreign assistance to and encourage trade with democratic republics that are part of a federation dominated by a communist government.

The House bill contains no comparable provisions.

The conference substitute (sec. 361) establishes that it is the policy of the United States to condition assistance to the Soviet Union and Yugoslavia or their successor entities or any constituent part, on steps taken in conformity with criteria set forth in the

Support for East European Democracy (SEED) Act as amended by the International Cooperation Act of 1991: political pluralism based on a democratic multiparty political system, economic reform based on a market-oriented economy, respect for internationally-recognized human rights, including the right to emigrate, and a willingness to build a friendly relationship with the United States. The conference substitute also provides that expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

It is the understanding of conferees that the assistance provided under the "U.S. Bilateral Science Technology Agreements" for FY 92 and 93 shall be available to Yugoslavia, its successor entity or entries or to constituent republics which are taking steps towards implementing democracy and market reforms and demonstrate respect for human rights.

POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA

The Senate amendment (sec. 930) contained a statement of policy in favor of resolution of outstanding issues between the South African government and the African National Congress, relating to release of political prisoners, calling upon the President and Secretary of State to diplomatically pursue such a goal, and requiring a report to Congress on these matters.

The House bill contained no comparable provision.

The conference substitute (sec. 362) adopts the Senate provision with a clarifying amendment. The adoption of this provision reflects Congress' continuing concern about the delay in resolution of this central issue, and is based upon Congressional findings that—

(1) on August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pretoria Minute", in which both parties accepted a definition of "political prisoners" which was broader than the standard international definition of prisoners of conscience, and, pursuant to this agreement, agreed all political prisoners were to be released by April 30, 1991;

(2) the South African Human Rights Commission and the African National Congress (ANC) have identified a significant number of prisoners that they consider to be covered by the Pretoria Minute who remain incarcerated, including in the "homeland" areas;

(3) an agreement between the South African Government and the African National Congress on the release of political prisoners, as defined by the Pretoria Minute, is considered indispensable to creating the proper atmosphere for a transition to a nonracial democracy in South Africa; and

(4) the definitions applied in the Pretoria Minute are substantially different from those in the Comprehensive Anti-Apartheid Act of 1986.

UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE

The Senate bill (sec. 931) expresses the Sense of the Senate that the United States government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the NATO Council has officially announced how, when, and where such tactical nuclear systems will be deployed.

The House bill contains no such provision.

The conference substitute (sec. 363) contains the Senate provision except that the language is changed to become Sense of the Congress.

U.S. SUPPORT FOR UNCED

This provision (sec. 364) was originally included in H.R. 2508, the International Cooperation Act of 1991, but was moved to the Foreign Relations Authorization Act as the appropriate legislation for enactment of this provision.

POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA

The Senate amendment (sec. 621) expresses the sense of Congress that the U.S. should fully normalize relations with Vietnam and Cambodia if Vietnam cooperates in accounting for POWs and MIAs and releases former officials of South Vietnam.

The House bill contains no comparable provision.

The conference substitute deletes the Senate provision.

RESTRICTIONS ON NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION

The Senate bill (sec. 906) adds as a condition on the reentry into negotiations with the PLO that its charter be amended to delete reference to the destruction of Israel as a goal.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill. Language containing the requirement that the PLO charter be amended or superceded is contained in H.R. 2508, the International Cooperation Act of 1991 (sec. 612).

FEASIBILITY STUDY REGARDING CONSTRUCTION OF A LIBRARY BUILDING FOR THE POLISH PARLIAMENT

The Senate bill (sec. 908) requires the President to conduct a study on the feasibility of, and availability of funds for, the construction of a library building for the Polish parliament and to report on the study.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill. Language comparable to section 908 is contained in the Statement of Managers on the conference report on H.R. 2508, the International Cooperation Act of 1991.

GUARANTEES FOR COMMERCIAL DEFENSE EXPORTS

The Senate amendment (sec. 915) provides authorization for guarantees not to exceed $1 billion for sales to NATO and Major non-NATO ally countries of defense articles and services and requires that terms and conditions of guarantees mirror those of the Export-Import Bank with respect to its guarantee programs to those countries.

It also authorizes appropriations of $63.5 million in each of fiscal years 1992 and 1993 to provide for the subsidy component of this guarantee program as mandated by the Credit Reform Act of 1990.

The Senate amendment authorizes the Secretary to make arrangements with the Export-Import Bank and any other agencies to process the guarantee applications and mandates that fees be collected to offset the costs of processing applications.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

SENSE OF CONGRESS REGARDING BORIS YELTSIN'S ELECTION TO THE PRESIDENCY OF THE RUSSIAN REPUBLIC

The Senate bill (sec. 919) expresses the sense of Congress that the people of Russia and Boris Yeltsin are to be congratulated on the first democratic election in the Russian Republic and encourages continued progress toward reform toward a democratic society.

The House bill contains no comparable provision.

The conference substitute deletes the provision. Language comparable to that contained in Section 919 is contained in the Statement of Managers of the conference report on H.R. 2508, the International Cooperation Act of 1991.

AWARDING OF CONTRACTS FOR THE REBUILDING OF KUWAIT

The Senate amendment (sec. 922) expresses a sense of Congress that a preference should be given to U.S. goods and supplies; small and disadvantaged businesses should be encouraged to participate.

The House bill contains no comparable provision.

The conference substitute deletes the provision. Language comparable to that contained in Section 922 is contained in the Statement of Managers of the conference report on H.R. 2508, the International Cooperation Act of 1991.

MIDDLE EAST SECURITY AND DEMOCRACY

The Senate amendment (sec. 923) requires that when reporting an arms sale to Congress, the President is required to report on the extent to which the recipient country has taken steps to build democratic institutions; and, in the case of oil-exporting nations, the extent to which they have used their wealth to foster economic development of the region.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

TITLE IV—ARMS SUPPLIER REGIME

FINDINGS

The Senate amendment (secs. 801 and 802) establishes the Arms Suppliers Regime Act of 1991 and contains findings on the worldwide transfer of arms to nations in the Middle East which demonstrate the urgent need for establishment of a multinational arms transfer and control policy.

The House bill contains no comparable provision.

The conference substitute (sec. 401) is similar to the Senate amendment.

MULTILATERAL ARMS TRANSFER AND CONTROL REGIME

The Senate amendment (secs. 803 and 804) stipulates that the Secretary of State should undertake good faith efforts to convene a conference among representatives from the five permanent members of the U.N. Security Council and other appropriate countries to establish an arms suppliers regime. The Senate amendment also specifies a set of comparable purposes for the achievement of such a regime.

The House bill contains no comparable provision.

The conference substitute (sec. 402(a)) requires the President to continue negotiations already initiated under his direction among the five permanent members of the U.N. Security Council and to commit the United States to a multilateral arms transfer and control regime toward the Middle East and Persian Gulf. The conference substitute (sec. 402(b)) also encourages that within the context of these ongoing negotiations the President should propose to the five permanent members of the U.N. Security Council the adoption of a temporary moratorium on the transfer of major mili-

tary equipment to the Middle East and Persian Gulf until such time that an agreement on a multinational arms transfer and control regime is concluded.

The conference substitute (sec. 402(b)) also incorporates the purposes of a multinational arms transfer and control regime. The conference substitute specifies that one of those purposes is to control the transfer of conventional major military equipment by achieving transparency among arms suppliers through advance notification of both the agreement to transfer and the actual transfer of conventional major military equipment and by developing and adopting common and comprehensive control guidelines on the transfer of conventional major military equipment.

The conference substitute (sec. 402(c)) also identifies recommendations to achieve the purposes specified with respect to conventional and unconventional weapons, and regional arms control efforts in the Middle East and Persian Gulf.

The conference substitute (sec. 402) also specifies the need to develop a multilateral arms transfer and control regime on conventional major military equipment and unconventional weapons and further specifies the definition of the term "major military equipment". The conference substitute permits the President to include other defense articles and defense services as major military equipment upon his determination.

The conferees do not intend this section to include surface-to-air missiles as major military equipment.

LIMITATION ON UNITED STATES ARMS SALES TO THE MIDDLE EAST AND PERSIAN GULF

The Senate amendment (sec. 807) specifies that, beginning 60 days after the date of enactment, no sale of any defense article or defense service may be made to any nation in the Middle East and no license for the export to any nation in the Middle East of any defense article or defense service may be issued, unless and until the President certifies in writing that the Secretary of State has undertaken good faith efforts to convene a conference on the establishment of an arms supplier regime. The Senate amendment also requires a report setting forth a U.S. plan for leading the world community in establishing a multilateral regime to restrict the transfer of conventional and unconventional arms to the Middle East.

The House bill contains no comparable provision.

The conference substitute (sec. 403) is essentially the same as the Senate amendment. Under the conference substitute, beginning 60 days after enactment, sales could be made and licenses issued to nations in the Middle East and Persian Gulf only after the President certifies that he has undertaken good faith efforts to convene a conference for the establishment of an arms supplier regime having elements described in section 402 of the conference substitute.

The conferees believe that the President has met the requirements to undertake good faith efforts to convene multilateral negotiations among the five permanent members of the U.N. Security Council. The conferees also believe that the President can easily meet the certification requirements of this section. The submission of such a report is consistent with the practice of preconsultation, and advance notification requirements that are currently associated with U.S. arms sales policy worldwide. The conferees do not believe this provision to be an onerous burden or an impingement on the authority to the President to conduct and conclude arms sales. The conferees note that the language of the Senate amendment (sec. 805) was modified pursuant to the understanding that good faith efforts would continue to be pursued by the executive branch with respect to establishing a multilateral arms transfer and control regime. The conferees further note that in the absence of good faith efforts on the part of the executive branch to implement successfully a multilateral arms transfer restraint policy, it would be the intention of a majority of the conferees to use all available means to achieve the purposes of this section.

The conferees commend the President for his efforts to date and expects that additional progress toward transparency and advance notification on the sale of major military equipment to the Middle East and Persian Gulf can be achieved at the upcoming round of U.S-requested negotiations. The conferees also believe these negotiations will be both evolving and ongoing in nature and encourages their rapid and successful conclusion.

REPORTS TO CONGRESS

The Senate amendment (sec. 806) requires the President to submit the following reports to Congress: a report setting forth a U.S. plan for leading the world community in establishing a multilateral regime to restrict the transfers of conventional and unconventional weapons to the Middle East and Persian Gulf; and a report analyzing the feasibility of applying other agreed upon arms control regimes to the Middle East and Persian Gulf. The Senate amendment also stipulates that not later than October 1 of each year the President shall submit a report documenting all transfers of conventional and unconventional arms to the Middle East and Persian Gulf over the previous year and previous five years, analyzing the current military balance of power in the Middle East and Persian Gulf, describing the operation of any agreement comprising the multinational arms transfer and control regime, and identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that undermines or violates that regime.

The House bill contains no similar provision.

The conference substitute (sec. 404) requires the President, beginning on January 15, 1993, to submit to the relevant congressional committees a report describing the progress in implementing the purposes of the multinational arms transfer and control regime described in section 402(b) of the conference report, and describing efforts made by the United States to induce other countries to curtail significantly the volume of arms sales to the Middle East and Persian Gulf, and if such efforts were not made, a justification of why they were not made. The conference substitute further requires the President, within 60 days of the date of enactment, to submit an initial report on arms transfers to and the military balance of power in the Middle East and Persian Gulf and mandates the submission of a similar report annually beginning on January 15, 1992. Finally, the conference substitute (sec. 405) defines the term "relevant congressional committees" as the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

The conferees believe the submission of quarterly reports on the progress of U.S. efforts is complementary to traditional executive branch consulting practices with Congress on the progress of other ongoing U.S. arms control negotiations and views these negotiations among the five permanent members of the U.N. Security Council. The conferees also believe the initial baseline report on arms transfers to and the military balance of power in the Middle East and Persian Gulf will provide Congress with an authoritative assessment of the regional balance of power in the Middle East and Persian Gulf. The conferees further believe that the annual report required by this section will enhance congressional understanding and awareness of the military balance of power in and the volume of arms transfers to the Middle East and Persian Gulf. The intention of the conferees in requiring these reports to overlap is to allow the executive branch the ability to meet these reporting requirements concurrently and on a timely basis. The conferees believe that the submission of these reports is consistent with the practice of preconsultation, consultation, and advance notification requirements that are currently associated with U.S. arms sales policy worldwide.

The conferees note that the Senate amendment contained three additional sections (808, 809 and 810) which were not adopted in the conference substitute.

TRANSFERS OF SPOILS OF WAR

The Senate bill (secs. 401, 402, 403, 404, 405, 406) requires that transfers of weapons and other spoils of war be treated as transfers of U.S. goods under U.S. law. Section 404 requires that the President report within 90 days of enactment on transfers previously concluded of spoils of war acquired subsequent to August 2, 1990.

The House bill contains no comparable provision.

The conference substitute is the same as the House bill. Language identical to sections 401, 402, 404, 405, and 406 is contained in H.R. 2508, the International Cooperation Act of 1991 (sec. 618 and chapter 4 of title II).

PROCOMPETITIVENESS AND ANTIBOYCOTT ACT OF 1991

The Senate bill (secs. 1101–1106) finds that the Arab boycotts of Israel, along with the secondary and tertiary boycotts, have distorted international trade and investment, disadvantaged U.S. companies, and are contrary to the interests of all nations. Sections 1103 and 1104 require the U.S. Government to raise the issue at the OECD and the GATT negotiations. Section 1105 requires the President to report on what progress has been made to end the boycott of Israel by Arab nations and to end compliance with the secondary and tertiary boycotts of Israel by other nations.

The House bill contains no comparable provision.

The conference substitute is the same as the House provision. Language comparable to the Senate provision is included in H.R. 2508, the International Cooperation Act of 1991 (section 610).

REPORTS CONCERNING ISRAEL

The House bill (sec. 178) requires reports on relations of U.N. members with Israel; the status of rescission of U.N. resolutions critical of Israel; and the boycott of Israel, and U.S. Government actions with regard to these issues.

The Senate bill (sec. 192) contains language substantially the same as that contained in the House bill.

Both provisions were deleted from the conference substitute. A comparable provision is included in H.R. 2508, the International Cooperation Act of 1991 (See sec. 614).

CONDITIONS ON NEW LOANS FOR COUNTRIES WHOSE DEBT HAS BEEN REDUCED

The Senate amendment (sec. 927) adds two conditions to new loans for Latin American or Caribbean countries whose debts have been reduced or forgiven. The two conditions are (a) a 5-year waiting period for new loans to a country with forgiven or reduced debts; and (b) a Presidential certification that the country whose debt had been reduced or forgiven can repay the loan throughout the term of the loan.

The House bill contains no comparable provision.

The conference substitute deletes the Senate provision.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

The Senate amendment (Title X) is substantially the same as the chemical weapons provision which was part of the Omnibus Export Amendments Act of 1990 (H.R. 4653—Title IV) which the President pocket-vetoed on November 16, 1990.

The House bill contains no comparable provision.

The conference substitute (Title V) is similar to the Senate provision.

SHORT TITLE

Section 501 entitles these provisions the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991."

PURPOSES

Section 502 states the purposes as mandating U.S. sanctions and encouraging international sanctions against countries using chemical and biological weapons illegally and against companies aiding chemical and biological weapons proliferation, supporting multilateral proliferation controls, urging cooperation with the Australia Group and other suppliers' groups, and requiring presidential reports on CBW proliferation.

MULTILATERAL EFFORTS

Section 503 specifies measures that the U.S. shall take to lead and coordinate multilateral efforts to control the proliferation of chemical and biological weapons.

U.S. EXPORT CONTROLS

Section 504 directs the President to use the authorities of the Arms Export Control Act to control the exports of defense articles and services and the authorities of the Export Administration Act of 1979 to control the exports of other goods and technologies which he determines would assist a country in acquiring the capability to develop, produce, stockpile, deliver or use chemical or biological weapons. It also provides for a list of goods and technology.

SANCTIONS FOR PERSONS

Section 505 directs the President to impose sanctions on foreign persons who have knowingly and materially contributed to efforts by certain countries, projects, or entities to use, develop, produce, stockpile, or acquire chemical or biological weapons. It urges the President to undertake consultation with the country of jurisdiction in order to secure corrective action. It permits the President to delay imposition of sanctions against a foreign person for up to 90 days to pursue consultations and corrective action, and it allows a waiver of the sanctions if the government has taken specific and effective actions, including penalties. If government action is in process, a second 90-day delay is allowed. The President is required to report within 90 days after his determination on the status of the consultations. This section applies sanctions preventing government procurement from that person for at least 12 months, after which the sanctions can be terminated if the President determines and certifies that the violations have ceased. It also provides for some exceptions for such things as certain defense articles and services or existing contracts. This section also provides for a presidential waiver after 12 months, based on the President's determination that the waiver is important to the national security interests of the United States.

DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS

Section 506 directs the President, once persuasive information becomes available to him, to determine, within 60 days of his receipt of pertinent information, whether any foreign country has used or made substantial preparation to use chemical weapons in violation of international law. It also stipulates that the Senate Foreign Relations Committee and House Foreign Affairs Committee Chairmen, upon consultation with their ranking minority members, may request from the President a report on the information held by the executive branch pertinent to the suspected violation.

SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS

Section 507 requires the President to make a determination to Congress with respect to a government using chemical or biological weapons in violation of international law or against its own nationals. It establishes a two-tier sanctions regime. Once a determination is made, the President shall impose immediately the U.S. government-associated sanctions (foreign assistance, arms sales, arms sales financing, government credit or financing, exports of national security-sensitive goods and technology). If, after three months, the President is not able to certify to Congress that the violation has ceased, that the government in question has provided assurance about no further use, and that this can not be verified by on-site inspections by international observers, then, the President, shall impose three sanctions out of a possible five sanctions (multilateral development bank assistance, bank loans, further export restrictions, diplomatic relations, landing rights). The president can remove the country sanctions after 12 months if he determines and can certify specific actions and changes in conduct by the government in question have occurred.

The landing rights sanction in section 507 was amended at the behest of the Committee on Public Works and Transportation to specify the steps to be taken by the Secretary of Transportation to implement this sanction and provide for emergency procedures.

The presidential waiver authority in section 507 allows the President to waive the imposition of sanctions if he determines that it is essential to the national security interests of the U.S. However, in order for the waiver to take effect, there must be concurrence of all of the following four Members of Congress: the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and the two Ranking Minority Members of those Committees. This waiver is keyed to the Foreign Relations Committee's and the Foreign Affairs Committee's normal foreign aid reprogramming procedures (634A of the Foreign Assistance Act) which will thereby allow any one of the four Members mentioned above to place the waiver on hold. The President must also report on the rationale for, and circumstances of, his waiver.

The President may also waive the sanctions if he determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of the sanctioned country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

Section 507 also provides contract sanctity for contracts and agreements entered into before the date on which the President imposes sanctions unless such contract sanctity would assist the country in using chemical or biological weapons in violation of international law.

PRESIDENTIAL REPORT REQUIREMENTS

Section 508 requires a presidential report to Congress 90 days after enactment of the bill and every 12 months thereafter. This report is intended to be comprehensive and to include such information as a description of: actions taken to carry out this bill, efforts by countries and subnational groups to develop, produce, and use chemical or biological weapons, and, any use of such weapons by a country in violation of international law.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment and modifications committed to conference:

DANTE B. FASCELL,
HOWARD L. BERMAN,
TED WEISS,
MERVYN M. DYMALLY,
ENI FALEOMAVAEGA,
TOM LANTOS,
BILL BROOMFIELD,
OLYMPIA SNOWE,
BEN GILMAN,
CHRISTOPHER SMITH,

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 128, 915, and 1042 of the Senate amendment and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
JIM LEACH,
DOUGLAS BEREUTER,

From the Committee on the Judiciary, for consideration of secs. 126, 171, and 208 of the House bill, and secs. 123–25, 143–44, and 711–12 of the Senate amendment and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
MIKE KOPETSKI,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

From the Committee on Post Office and Civil Service, for consideration of secs. 118 and 121, and part D of title I of the House bill, and secs. 119 and 920, and part D of title I of the Senate amendment and modifications committed to conference:

WILLIAM L. CLAY,
GERRY SIKORSKI,
GARY L. ACKERMAN,
FRANK HORTON,
JOHN T. MYERS,

From the Committee on Ways and Means, for consideration of secs. 621, 913, 925 and 1104 of the Senate amendment and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

CLAIBORNE PELL,
JOHN F. KERRY,
PAUL SIMON,

DANIEL PATRICK MOYNIHAN,
JOSEPH R. BIDEN, Jr.,
PAUL SARBANES,
CHRISTOPHER J. DODD,
JESSE HELMS,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,
LARRY PRESSLER,
FRANK H. MURKOWSKI,
HANK BROWN,

From the Committee on Banking, Housing, and Urban Affairs, solely for the consideration of title X:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2698

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-239)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) "making appropriations for agriculture, rural development, food and drug administration, and related agencies programs 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 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, 17, 18, 21, 22, 26, 29, 32, 37, 47, 51, 53, 54, 55, 56, 57, 58, 60, 62, 65, 66, 73, 79, 80, 81, 82, 84, 89, 92, 106, 109, 121, 124, 126, 135, 136, 141, 144, 147, 149, 150, 151, 152, 153, 154, 161, 163, 164, 166, 168, 172, 173, 174, 179, 183, 187, 188, 192, 193, 203, 206, 207, 208, 211, 216, 218, 233, and 238.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 33, 59, 69, 71, 72, 74, 76, 77, 78, 85, 87, 95, 97, 98, 99, 101, 104, 105, 117, 118, 119, 122, 129, 130, 131, 132, 133, 134, 137, 139, 140, 145, 155, 157, 158, 159, 160, 165, 167, 169, 170, 171, 175, 189, 194, 195, 196, 198, 200, 204, 210, 217, 220, 221, 223, 224, 225, and 226, 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 sum proposed by said amendment insert: *$51,203,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$26,350,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$58,720,000*; 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: *$82,601,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum named in by said amendment insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$658,379,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert; *and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$50,564,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$400,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,200,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,470,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,405,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,010,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,375,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$1,221,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, 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 named in said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,730,000*; 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 matter stricken and the matter inserted by said amendment insert: *$720,451,000; of which $719,289,000 is hereby appropriated, and $573,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendent, amended as follows:

In lieu of the sum named in said amendment insert: *$6,000,000*; 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: *$1,624,500,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same within an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$329,500,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, 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 named in said amendment insert: *$250,000,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,723,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

Restore the matter stricken amended to read as follows: *credit sales of acquired property, $36,725,000*; 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: *$427,111,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, 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 named in said amendment insert: *$200,000,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$39,786,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,545,000* ; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$168,277,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$22,455,000*; 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: *$55,000,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, 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 named in said amendment insert: *$59,880,000*; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$90,510,000*; 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:

In lieu of the sum proposed by said amendment insert: *$38,298,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$427,111,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *$21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account*,

and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,985,000*; and the Senate agree to the same.

Amendment numbered 180:

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,068,315,000*; and the Senate agree to the same.

Amendment numbered 181:

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,393,223,000*; and the Senate agree to the same.

Amendment numbered 182:

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,322,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$90,000,000*; and the Senate agree to the same.

Amendment numbered 186:

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,362,975,000*; and the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$103,535,000*; and the Senate agree to the same.

Amendment numbered 191:

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$10,788,000*; and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$333,594,000*; and the Senate agree to the same.

Amendment numbered 199:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,815,000*; and the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment insert: *of Public Law 101-624 (7 U.S.C. 5622 note)*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 25, 27, 28, 31, 34, 35, 36, 48, 49, 50, 52, 61, 63, 64, 68, 70, 75, 83, 88, 94, 103, 107, 108, 111, 116, 125, 127, 138, 156, 162, 176, 177, 178, 184, 202, 205, 209, 212, 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, 240, and 241,

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
RICHARD J. DURBIN,
DAVID E. PRICE,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
VIN WEBER,
BARBARA F. VUCANOVICH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

QUENTIN N. BURDICK,
DALE BUMPERS,
TOM HARKIN,
BROCK ADAMS,
WYCHE FOWLER, Jr.,
J. ROBERT KERREY,
ROBERT C. BYRD,
THAD COCHRAN,
ROBERT W. KASTEN, Jr.,
ARLEN SPECTER,
DON NICKLES,
CHRISTOPHER S. BOND,
MARK O. HATFIELD,
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. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and

Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

Amendment No. 1: Appropriates $2,282,000 for the Office of the Secretary as proposed by the House instead of $2,150,000 as proposed by the Senate.

The conferees are aware of efforts in the Pacific Northwest to list several species of salmon as threatened or endangered under provisions of the Endangered Species Act. The conferees recognize the severe impacts such a listing would have on the region's agricultural economy.

The conferees expect the Secretary to undertake an analysis of the impacts on agriculture in the Pacific Northwest should a threatened or endangered listing occur. Of major concern is the potential impact if a drawdown at or below minimum operating pool of the Federal dams on the Snake and Columbia Rivers occurred. The analysis should include identifcation of alternative means of transporting commodities if water levels on the Columbia/Snake River system are insufficient to permit barging, and associated costs which the region's farmers would have to bear as a result, and a computation of the costs of retrofitting existing privately owned irrigation pumping systems which draw water from the Snake and Columbia Rivers.

The Secretary should consult with the Department of Transportation, the U.S. Army Corps of Engineers, the Bureau of Reclamation, the Bonneville Power Administration, and appropriate State agencies to obtain the data necessary to complete the review.

OFFICE OF THE DEPUTY SECRETARY

Amendment No. 2: Appropriates $543,000 for the Office of the Deputy Secretary as proposed by the House instead of $514,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

Amendment No. 3: Appropriates $6,149,000 for the Office of Budget and Program Analysis as proposed by the House instead of $5,303,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Amendment No. 4: Appropriates $596,000 for the Office of the Assistant Secretary for Administration as proposed by the House instead of $576,000 as proposed by the Senate.

RENTAL PAYMENTS (USDA)

Amendment No. 5: Appropriates $51,203,000 for USDA Rental Payments instead of $50,808,000 as proposed by the House and $51,598,000 as proposed by the Senate.

BUILDING OPERATIONS AND MAINTENANCE

Amendment No. 6: Appropriates $25,700,000 for Building Operations and Maintenance as proposed by the House instead of $25,349,000 as proposed by the Senate.

ADVISORY COMMITTEES (USDA)

Amendment No. 7: Appropriates $2,038,000 for USDA Advisory Committees as proposed by the Senate instead of $1,918,000 as proposed by the House. The conferees expect the Secretary to report the findings and recommendations of the National Organic Standards Board to the appropriate committees of Congress prior to implementation of the Organic Foods Production Act of 1990.

HAZARDOUS WASTE MANAGEMENT

Amendment No. 8: Appropriates $26,350,000 for Hazardous Waste Management instead of $27,943,000 as proposed by the House and $24,757,000 as proposed by the Senate.

Amendment No. 9: Deletes Senate language delaying the obligation of funds for Hazardous Waste Management until September 20, 1992. The House bill contained no similar provision.

DEPARTMENTAL ADMINISTRATION

Amendment No. 10: Appropriates $25,014,000 for personnel, finance and management, operations, information resources management, advocacy and enterprise, and administrative law judges and judicial officer as proposed by the House instead of $24,764,000 as proposed by the Senate.

Amendment No. 11: Provides a total appropriation of $25,064,000 for Departmental Administration as proposed by the House instead of $24,814,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

Amendment No. 12: Appropriates $1,307,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House instead of $1,265,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 13: Appropriates $62,786,000 for the Office of the Inspector General as proposed by the House instead of $60,786,000 as proposed by the Senate.

The conference agreement includes $2,000,000 to expand activities to eliminate fraud and abuse within the Food Stamp Program. The conference agreement does not include funds requested in the budget for the Chief Financial Officers Act, and the conferees expect there will be no reduction to ongoing activities as a result of that Act.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

Amendment No. 14: Appropriates $580,000 for the Office of the Assistant Secretary for Economics as proposed by the House instead of $563,000 as proposed by the Senate.

ECONOMIC RESEARCH SERVICE

Amendment No. 15: Appropriates $58,720,000 for the Economic Research Service instead of $59,125,000 as proposed by the House and $56,245,000 as proposed by the Senate.

The conference agreement provides for the Pesticide Data Program at the 1991 level, and provides up to $395,000 for modeling on rice in conjunction with the University of Arkansas and the University of Missouri.

NATIONAL AGRICULTURAL STATISTICS SERVICE

Amendment No. 16: Appropriates $82,601,000 for the National Agricultural Statistics Service instead of $83,401,000 as proposed by the House and $75,447,000 as proposed by the Senate.

The conference agreement provides for the Pesticide Data Program at the 1991 level, $415,000 to produce the Report of Cotton Ginned, and $60,000 for the nursery industry study.

WORLD AGRICULTURAL OUTLOOK BOARD

Amendment No. 17: Appropriates $2,367,000 for the World Agricultural Outlook Board as proposed by the House instead of $2,341,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

Amendment No. 18: Appropriates $560,000 for the Office of the Assistant Secretary for Science and Education as proposed by the House instead of $544,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

Amendment No. 19: Appropriates $4,500,000 for the Alternative Agricultural Research and Commercialization Act instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision.

The conferees expect up to $250,000 of these funds to be made available to the North Dakota Department of Agriculture as proposed by the Senate under the Agricultural Marketing Service, Payments to States and Possessions Account.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 20: Appropriates $658,379,000 for the Agricultural Research Service instead of $658,424,000 as proposed by the House and $629,143,000 as proposed by the Senate. The conference agreement is based on the following changes to the budget request:

	House bill	Senate bill	Conference agreement
Fiscal year 1991 base	$621,585,000	$621,585,000	$621,585,000
Program Increases			
1. Water quality	2,000,000		2,000,000
2. Global climate change	2,900,000		1,900,000
3. Gypsum	2,000,000		
4. Integrated pest management	750,000		700,000
5. Animal waste	500,000		500,000
6. Alternative fuels	2,000,000		2,000,000
7. Minor use pesticides	1,000,000		1,000,000
8. Food safety	2,000,000		2,000,000
9. Chemical residue in foods	750,000		700,000
10. Pay costs	18,042,000	16,042,000	16,042,000
Subtotal	653,527,000	637,627,000	648,427,000
Other Changes			
1. Acoustics research, MS	500,000		500,000
2. Animal health consortium, Ames, IA		400,000	400,000
3. Apple research		275,000	275,000
4. Arkansas staff		400,000	400,000
5. Barley, Madison, WI		100,000	100,000
6. Beckley, WV, conservation lab		300,000	300,000
7. Bee research	500,000		500,000
8. Biological control, Tifton, GA		100,000	100,000
9. Boll weevil, Stoneville, MS		150,000	150,000
10. Columbia Plateau Conservation Research Center, OR		250,000	250,000
11. Corn earworm	150,000		150,000
12. Dry bean, Prosser, WA		125,000	125,000

	House bill	Senate bill	Conference agreement
13. Endophyte, AR, MO		200,000	200,000
14. Floriculture	125,000		125,000
15. Forage and Range Research Unit, Mandan, ND		250,000	250,000
16. Human nutrition:			
Baylor, TX	500,000		250,000
Beltsville, MD	500,000	250,000	250,000
Grand Forks, ND		250,000	250,000
17. Kearneysville, WV, fruit lab		300,000	300,000
18. Kenaf, MS	150,000		150,000
19. Lyme disease, NY	175,000		175,000
20. Meat Animal Research Center, Clay Center, NE		400,000	400,000
21. National Arboretum	400,000		400,000
22. New England Plant, Soil, and Water Laboratory, Orono, ME		300,000	300,000
23. Northwest Small Fruit Research Center		250,000	250,000
24. Peanut research:			
Aflatoxin	300,000		150,000
Cost of production	300,000		150,000
National Peanut Lab, Dawson, GA		300,000	150,000
25. Purdue University:			
Animal science	500,000		500,000
Plant science	950,000		950,000
26. Red River Valley Agriculture Research Center, Fargo, ND		150,000	150,000
27. Repair and maintenance, ARS facilities		−14,986,000	
28. Russian wheat aphid, CO		750,000	
29. Small fruits, Poplarville, MS		150,000	150,000
30. Southern Plains Range Research Station, Woodward, OK		280,000	280,000
31. Soybean-based ink	122,000	122,000	122,000
32. Lehigh University		(50,000)	(50,000)
33. STEEP II, WA, OR	200,000	200,000	200,000
34. Urban pests, Gainesville, FL	100,000		100,000
35. Unspecified decrease	−575,000	−250,000	
36. Warm Water Aquaculture Center, MS		500,000	500,000
Subtotal, Other Changes	4,897,000	−8,484,000	9,952,000
Subtotal, Agricultural Research Service	658,424,000	629,143,000	658,379,000
Special Fund	2,500,000	2,500,000	2,500,000
Total, Agricultural Research Service	$660,924,000	$631,643,000	$660,879,000

Global climate change.—The conference agreement includes $1,900,000 for research to determine the impact of global climate change on the agricultural environment and agricultural impacts on climate. Included in this total is $900,000 for the Department to work with the Consortium for International Earth Science Information Network for assessment of the Department's data integration.

Locoweed research.—The conference agreement provides $200,000 for research on locoweed, the same as the amount available for fiscal year 1991 and the same as the budget request.

Pima cotton improvement.—Continuation of a viable American pima program by the Agricultural Research Service, including the development of the germ plasm base, inheritance studies, developmental breeding, and the development and release of improved varieties is essential if the United States is to maintain its competitive position in domestic and export markets for ELS cotton. Therefore, the conferees urge ARS's continued and expanded support for this project.

Peanut research.—The conferees agree with the Senate report language directing the Agricultural Research Service to continue research activities at the Peanut Research Unit in Stillwater, Oklahoma. The conferees further direct that research activities at Stillwater continue at current program levels from within available funds.

Oregon.—The conferees are aware of coordinated, multidisciplinary research into the cardiovascular protective effects of dietary calcium being conducted at Oregon Health Sciences University (OHSU) Institute for Nutrition and Cardiovascular Research. The conferees understand that this research is important in assessing calcium impacts on pregnancy, infant birth weight and a wide variety of other nutritional areas. The conferees expect the Department to work with OHSU to continue this research.

Amendment No. 21: Deletes Senate language earmarking $750,000 for the Center for Russian Wheat Aphid Research at Colorado State University. The House bill contained no similar provision.

Amendment No. 22: Restores House language regarding the relocation of certain research facilities.

Amendment No. 23: Amends Senate language to exempt the purchase of land at Weslaco, Texas, from the $100 limitation contained in the bill.

BUILDINGS AND FACILITIES

Amendment No. 24: Appropriates $50,564,000 for Federally owned facilities of the Agricultural Research Service instead of $49,473,000 as proposed by the House and $61,818,000 as proposed by the Senate. The following table reflects the conference agreement.

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Buildings and Facilities				
Arkansas: Rice Research Center, Stuttgart	223	223	735	729
California: U.S. Salinity Lab, Riverside	5,050	5,050	5,550	5,300
Georgia: Poultry Disease Lab, Athens			400	400
Illinois: Northern Regional Research Center		3,650		1,825
Iowa: National Park Research Facility		1,000	2,600	1,800
Louisiana: Southern Regional Research Center		1,300	2,600	1,950
Maryland: Beltsville Agricultural Research Center	16,000	16,000	16,000	16,000
Michigan: Regional Poultry Research Center		500		250
Minnesota: Soil and Water Lab, Morris	300	1,350		825
Mississippi:				
National Center for Natural Products	5,175	5,175	5,175	5,175
National Center for Warm Water Aquaculture	1,200	1,200	1,000	1,100
New York: Plum Island Animal Disease Center		3,000	3,000	3,000
Ohio: Demonstration greenhouse		375		187
Oklahoma:				
South Central Agricultural Research Center, Lane	1,450		2,000	1,725
Southern Plains Range Research Station, Woodward			347	173
Oregon/Washington/Idaho: Northwest Small Fruit Center	175	1,900	2,025	1,900
Texas:				
ARS Bee Lab, Weslaco	1,700	1,700		1,700
Plant Stress Lab, Texas Tech. University	600	2,000		1,300
Washington: U.S. Fruit and Vegetable Lab, Yakima	5,050	5,050	5,050	5,050
Wisconsin: Cereal Crops Research Unit—Barley/Malt Lab			350	175
Miscellaneous:				
Repair and improvement, ARS facilities			14,986	
Completed facilities	4,093			
Total, Buildings and facilities	41,016	49,473	61,818	50,564

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 25: 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: *$73,979,000*

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 $73,979,000 for special research grants instead of $58,299,000 as proposed by the House and $63,978,000 as proposed by the Senate. The following table reflects the conference agreement:

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Special Research Grants (P.L. 89–106)				
Aflatoxin (IL)	131	175		134
Agribusiness management (MS)	75	75	75	75
Agricultural diversification (HI)	154		154	154
Agricultural management systems (MA)	275		261	261
Agricultural trade (ND)	596		350	350
Agriculture utilization research (MN)	500			
Alfalfa (KS)			125	125
Alternative cropping systems (Southeast)	277	270	280	278
Alternative crops (ND)	497		700	700
Alternative marine and fresh water species (MS)	275	275	275	275
Alternative pest control (AR)	1,391		1,400	1,400
Alternative to dinoseb (OR)	225	225	225	225
Animal waste disposal (MI)	37	150		120
Appalachian hardwoods (WV)			750	750
Apple quality research (MI)	94	94		94
Aquaculture (general)	656	656		316
Aquaculture (Stoneville)	600	600	800	700
Aquaculture research (IL)		250		200
Aquaculture (LA)			440	390
Asparagus yield decline (MI)	94	94		94
Babcoc Institute (WI)		150	75	75
Bean and beet (MI)	189	189		189
Beef carcass evaluation and identification (IA, NY, GA, TX, IL)		267		210
Beef fat content (IA)	200		275	237
Belgian endive (MA)	67			
Blueberry shoestring virus (MI)	92			
Broom snakeweed (NM)	150	200	200	200
Canola (KS)			100	100
Celery fusarium (MI)	39	39		39
Center for rural studies (VT)			75	37
Chesapeake Bay aquaculture	437	437		437
Competitiveness of agricultural products (WA)		500	850	800
Competitiveness of forest products (WA, WV)		250		
CONSOIL (WI)			50	25
Controlled environment production systems (PA)		300		240
Cool season legume research (ID, WA)	375	375	400	387
Cottonseed extraction and oil refining (TX)	75	75		75

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Cranberry/blueberry disease and breeding (NJ)	260	260	260	260
CRP acreage usage (MO)	.....	.....	100	50
Dairy and beef photoperiod (MI)	33	.....	.....	.....
Dairy goat research (TX)	75	75	.....	75
Delta rural revitalization (MS)	175	175	175	175
Dogwood anthracnose (GA, NC, TN)	100	100	175	137
Dried bean (ND)	93	.....	100	100
Eastern filbert blight (OR)	75	75	85	85
Enhanced livestock production (ND)	250	.....	250	250
Environmental research (NY)	297	650	.....	575
Ethanol research (AR)	100	250	.....	175
Expanded wheat pasture (OK)	275	275	400	337
Export development (KY)	.....	.....	227	227
Export services (OR)	348	.....	.....	.....
Farm and rural business finance (IL, AR)	.....	.....	250	125
Fish marketing (OR, RI)	.....	.....	340	340
Floriculture (HI)	296	.....	296	296
Food and Agriculture Policy Institute (IA, MO)	750	750	750	750
Food irradiation (IA)	100	200	275	237
Food marketing policy center (CT)	393	393	393	393
Food processing center (NE)	.....	.....	80	50
Food safety consortium (AR, KS, IA)	1,845	.....	2,000	1,942
Food systems research group (WI)	261	261	261	261
Forestry marketing (VT, NH)	.....	.....	.....	50
Genetic engineering of plants (OH)	.....	300	.....	240
Global change	.....	.....	2,000	2,000
Grasshopper biocontrol (ND)	73	.....	75	75
Great Plains agricultural policy center (KS, OK)	.....	.....	200	100
Human nutrition research (NY)	556	800	.....	735
Human nutrition (IA)	300	500	500	500
Human nutrition (LA)	800	500	800	800
Improved dairy management practices (PA)	.....	350	.....	335
Integrated forest management (AR)	25	.....	.....	.....
Integrated orchard management (VT)	49	.....	50	49
Integrated pest management	4,000	4,915	4,000	4,457
Integrated production systems (OK)	186	186	200	193
International livestock program (KS)	94	.....	95	94
Iowa biotechnology consortium	1,756	.....	2,150	1,953
Irrigation/fish production (AR)	167	.....	167	167
Kansas facility study	.....	.....	50	50
Leafy spurge biocontrol (MT)	125	.....	125	125
Livestock and dairy policy (NY, TX)	525	525	525	525
Lowbush blueberry research (ME)	202	185	185	185
Low-input agriculture (MN)	174	250	.....	230
Maple research (VT)	99	.....	100	99
Mechanical tomato harvester (PA)	.....	240	.....	134
Mesquite and prickly pear (TX)	.....	.....	200	100
Michigan institute	2,246	2,470	.....	2,358
Midwest agricultural products (IA)	.....	.....	700	700
Midwest plant biotechnology consortium	2,730	3,000	2,730	2,865
Milk safety (PA)	283	.....	285	284
Milkweed research (NE)	80	80	80	80
Mink research (OR)	.....	.....	92	46
Minor crop pest control (HI)	285	285	285	285
Minor use animal drugs (IR–4)	450	500	429	464
Mosquito research (AR, CA, LA, MS, TX)	453	453	.....	453
Multi-cropping strategies for aquaculture (HI)	150	.....	150	150
National biological impact assessment	300	300	300	300
Nematode resistance genetic engineering (NM)	150	150	.....	150
New uses for agricultural products (OH)	140	140	.....	140
Non-food agricultural products (NE)	110	.....	110	110
Oil from jojoba (NM)	200	200	200	200
Oregon—Mass. biotechnology	500	500	575	537
Peach tree short life (SC)	192	192	192	192
Peanut breeding (GA)	47	.....	.....	.....
Pecan weevil (OK)	25	.....	.....	.....
Pest control alternatives (SC)	.....	.....	250	125
Pesticide clearance (IR–4)	3,000	4,000	3,000	3,500
Pesticide impact assessment	2,968	2,968	2,968	2,968
Pesticide research (WA)	484	250	850	667
Phytophthora root rot (NM)	125	150	150	150
Plastic from cornstarch (NE)	40	.....	.....	.....
Potato research	1,371	1,500	1,371	1,435
Poultry (GA)	.....	.....	250	172
Preservation and processing research (OK)	265	265	300	282
Prime farm land reclamation (IL, KY)	609	.....	.....	.....
Procerum root disease (VA)	.....	50	.....	25
Product development and marketing center (ME)	.....	.....	250	221
Red River Corridor (MN, ND)	.....	.....	.....	200
Regional barley gene mapping project	262	412	412	412
Regionalized implications of farm programs (MO, TX)	348	348	348	348
Rural development centers (PA, IA, (ND), MS, OR)	500	500	500	500
Rural economic development (GA)	744	.....	744	744
Rural environmental research (IL)	75	150	.....	125
Rural policies institute (AR, NE, MO)	375	.....	675	525

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Russian wheat aphid (WA, OR, ID, CA, CO)	350	435	350	437
Safflower research (ND, MT)	248	.....	250	250
Sandhills grazing management practices (NE)	99	99	.....	99
Seafood and aquaculture harvesting, processing, and marketing (MS)	361	361	361	361
Seedless table grapes (AR)	50	.....	.....	50
Seedstocks enhancement (ND)	198	.....	.....	.....
Small fruit research (OR, WA, ID)	125	250	.....	187
Southwest consortium for plant genetics and water resources	400	400	400	400
Soybean bioprocessing (IA)	200	.....	350	275
Soybean cyst nematode (MO)	333	385	333	359
STEEP II—water quality in Northwest	980	980	980	980
Stone fruit decline (MI)	283	283	.....	283
Stored grain insects (KS)	285	285	.....	.....
Subirrigation research (MI)	262	600	.....	531
Sunflower insects (ND, SD)	194	.....	200	200
Sustainable agriculture systems (NE)	.....	.....	120	70
Swine research (MN)	.....	175	.....	140
TCK smut (wheat)	250	250	250	250
Technology transfer development (IA)	.....	.....	200	100
Tropical and subtropical	3,320	3,320	3,320	3,320
Urban pests (GA)	76	.....	76	76
Water conservation (NV)	.....	250	.....	200
Water management (AL)	397	.....	400	398
Water quality	8,000	10,000	8,000	9,000
Weed control (ND)	.....	.....	500	500
Wheat genetic research (KS)	149	.....	159	159
Wheat marketing (OR)	.....	.....	300	300
White mold research (OH)	.....	70	.....	55
Wild rice research (MN)	50	100	.....	88
Wood utilization research (OR, MS, MI)	2,852	2,852	2,852	2,852
Wool research (TX)	198	250	250	250
World food systems (IN, OH)	357	380	357	368
Youth Science Camp (WV)	94	.....	.....	.....
Total, Special Research Grants	61,976	58,299	63,978	73,979

Competitiveness of agricultural products (WA).—In allocating funding under CSRS special research grants for the Competitiveness of Agricultural Products, funds are included for the Competitiveness of Forest Products. The conferees intend that the $800,000 shall be allocated between the two universities based on the allocation agreed to for fiscal year 1992.

Irrigation/fish production (AR).—The conferees are aware of the need to renovate an irrigation pond to conduct irrigation/fish production research and agree such renovation may be considered a research cost.

Trade research.—The conferees have agreed not to fund International Trade Centers as in past years. The conferees, however, have agreed to fund research on ways to expand exports of U.S. agricultural products. The conferees will expect the Department to review carefully all proposals for these funds to assure that each grant is a legitimate research project.

Amendment No. 26: Deletes Senate language earmarking $2,000,000 of the special grant funds for global change research for the monitoring of ultraviolet radiation.

Amendment No. 27: 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: *$97,500,000*

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 $97,500,000 for competitive research grants instead of $99,000,000 as proposed by the House and $100,000,000 as proposed by the Senate. The following table reflects the conference agreement:

	House bill	Senate bill	Conference agreement
Competitive research grants			
a. Plant systems	$40,000,000	$40,000,000	$40,000,000
b. Animal systems	25,000,000	25,000,000	25,000,000
c. Nutrition, food quality and health	4,000,000	9,000,000	6,500,000
d. Global warming	5,000,000	.....	.....
e. Natural resources and the environment	18,000,000	18,000,000	81,000,000
f. Processes antecedent to adding value and developing new products	3,000,000	4,000,000	4,000,000
g. Markets, trade and policy	4,000,000	4,000,000	4,000,000
Total, Competitive Research Grants	99,000,000	100,000,000	97,500,000

The conferees concur with the Senate recommendation for a USDA experimental program to stimulate competitive research (USDA–EPSCoR). The State EPSCoR committees are to serve as planning and coordinating bodies for grant applications from individual institutions, but the institutions themselves may continue to submit applications and shall be direct recipients of any grants that are awarded.

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 amendment of the Senate which delays the obligation of $25,000,000 of the competitive research grants funds until September 20, 1992. The House bill contained no similar provision.

Amendment No. 29: Provides $1,168,000 for supplemental and alternative crops and products as proposed by the House instead of $500,000 as proposed by the Senate.

Amendment No. 30: Provides $400,000 for research under the Critical Agricultural Materials Act instead of $300,000 as proposed by the House and $1,300,000 as proposed by the Senate. The conference agreement provides no funds for the National Center for Physical Acoustics instead of $800,000 as proposed by the Senate. The agreement also provides $400,000 for the Polymer Center at the University of Southern Mississippi as proposed by the Senate instead of $300,000 as proposed by the House.

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 amendment of the Senate which provides $3,500,000 for higher education graduate fellowship grants and $1,500,000 for higher education challenge grants. The House bill provided $5,000,000 for higher education graduate fellowships.

Amendment No. 32: Provides $4,000,000 for the research program at the aquaculture centers as proposed by the House instead of $3,750,000 as proposed by the Senate.

Amendment No. 33: Provides $400,000 for a regional agricultural weather information service as proposed by the Senate. The House bill contained no similar provision.

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 amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$20,795,000*

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 provides $20,795,000 for Federal Administration of the Cooperative State Research Service instead of $17,650,000 as proposed by the House and $17,391,000 as proposed by the Senate. The following table reflects the conference agreement:

[In thousands of dollars]

	Fiscal year 1991 enacted	Hosue bill	Senate bill	Conference recommendation
Federal Administration				
Shrimp aquaculture (Hawaii and Mississippi)	3,365	3,500	3,365	3,500
Mississippi Valley State University	642	668	642	668
Maize genetics research center (ND)	100	.....	400	400
Ag in classroom	170	208	170	208
Agricultural biotechnology	375	400	375	400
Peer panels	250	260	250	260
Office of grants and program systems	568	334	334	334
Alternative fuels characterization lab (ND)	250	.....	250	250
Pay costs and FERS	.....	550	550	550
Center for Agricultural and Rural Development (IA)	741	750	.....	750
Herd management (TN)	375	.....	475	475
1890 capacity building	8,250	8,580	8,580	10,250
Vocational aquaculture education	500	500	500	500
Water quality	1,600	900	500	1,250
Geographic information system	747	1,000	1,000	1,000
Subtotal, Federal Administration	17,933	17,650	17,391	20,795

The conference agreement for water quality research includes $500,000 for the program in North Dakota and $750,000 for the program at Southern Illinois University.

Amendment No. 35: 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: *$430,711,000*

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 $430,711,000 for the Cooperative State Research Service instead of $412,886,000 as proposed by the House and $419,788,000 as proposed by the Senate.

BUILDINGS AND FACILITIES

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 amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$75,270,000*

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 $75,270,000 for the Cooperative State Research Service, Buildings and Facilities instead of $62,529,000 as proposed by the House and $60,769,000 as proposed by the Senate. The following table reflects the conference agreement.

[In thousands of dollars]

	Fiscal year 1991 enacted	House bill	Senate bill	Conference recommendation
Buildings and Facilities				
Alabama: Wallace State Junior College Wellness Center	.....	.....	(1)	.....
Arkansas:				
Center for Alternative Pest Control	811	.....	500	500
Poultry and Isolation Facility, University of Arkansas/Fayetteville	337	.....	250	250
Poultry Center of Excellence	3,750	.....	3,350	3,050
Arizona: Agriculture research complex-environmental stress lab	(1)	.....	200	100
California:				
Alternative pest control containment and quarantine, University of California	(1)	414	.....	207
Grape Importation Facility, University of California at Davis	897	2,321	.....	1,609
Florida: Biotechnology Institute, University of Florida-Alachua	2,690	500	1,180	840
Georgia:				
Agricultural Livestock Poultry Facility	.....	.....	(1)	(1)
Biocontainment Research Center, University of Georgia	1,992	500	750	425
Center for Advanced Water Technology, Savannah	(1)	.....	272	136
National Laboratory for Environmentally Sound Production Agriculture—Tifton	300	.....	3,250	1,775
Vidalia Onion Storage Res Facility	(1)	.....	450	225
Hawaii: Center for Tropical/Subtropical Agriculture	5,675	.....	3,842	3,842
Idaho: Biotechnology Facility	590	.....	500	500
Illinois:				
Biotechnology Center, Northwestern University	(1)	1,200	.....	600
National Soybean Laboratory, University of Illinois	1,617	1,987	.....	1,987
Indiana: Molecular and Cellular Biotechnology Facility	1,500	4,000	.....	2,750
Kansas: Throckmorton Plant Science Center, Kansas State University	3,731	500	2,641	1,570
Maryland: Institute for Natural Resources and Environmental Science, University of Maryland	(1)	1,000	1,000	1,000
Massachusetts: Center/hunger, poverty, nutrition and policy	(1)	500	633	562
Michigan: Food Toxicology Center, Michigan State University	5,076	15,712	.....	10,394
Mississippi: Biological Technology Center for Water and Wetlands Resources	.....	200	(1)	100
Missouri: Bennett Living and Learning Center, Lincoln University	(1)	.....	290	145
Montana: Bioscience Research Laboratory, Montana State University	1,250	500	1,625	1,062
Nebraska: Center for Advanced Technology, University of Nebraska	4,500	.....	4,500	4,500
Nevada: Biochemistry and Biology, University of Nevada	.....	500	.....	250
New Jersey: Plant Bioscience Facility, Rutgers University	2,544	2,544	3,544	3,044
New York:				
Cornell Research Greenhouse	.....	750	.....	375
New York Botanical Garden	(1)	1,300	1,400	1,350
North Carolina:				
Biotechnology Facility	750	1,450	1,450	1,450
Bowman-Gray Center at Wake Forest	.....	3,650	.....	1,825
North Dakota:				
Animal Care Facility, North Dakota State University	(1)	.....	500	250
Engineering and Biomechanics Building	.....	.....	(1)	(1)
Facility completion	.....	.....	500	500
Food Processing Pilot Plant—NCI	.....	.....	750	375
Inst/Ag Health Science and Rural Medicine, University of North Dakota	2,892	.....	5,870	4,381
Inst/Ag and Rural Human Research Development, Minot State University	.....	.....	480	240
Seed Research and Regulatory Facility, North Dakota State University	(1)	.....	1,000	500
Ohio: Plant Science Research Facility, University of Toledo	.....	550	.....	275
Oklahoma: Nat'l Center for Bovine/Equine Biotechnology	.....	.....	450	225
Oregon:				
Regional Food Innovation Center	.....	.....	(1)	(1)
Seafood Center, Oregon State University	(1)	218	.....	217
Pennsylvania:				
Center for Food Marketing, St. Joseph's University	600	2,420	3,000	2,710
Children's Hospital, Pittsburgh	.....	.....	.....	.....
Rhode Island: Building consolidation, University of Rhode Island	1,904	.....	500	500
South Dakota: Northern Plains Biostress Laboratory, South Dakota State University	1,970	500	2,530	1,515
Tennessee:				
Agricultural, Biological and Environmental Research Complex, University of Tennessee in Knoxville	.....	(1)	1,850	925
Nursery Crop Research Station	248	.....	604	426
Texas: Inst/Biosciences and Technology, Texas A&M	2,797	4,700	3,021	3,860
Utah: Biotechnology Laboratory, Utah State University	280	.....	1,248	764
Virginia: Agriculture Biotechnology Facility, Virginia Polytechnic Institute	918	1,125	.....	1,021
Washington: Animal Disease Biotechnology Facility, Washington State University	1,210	3,030	1,210	2,120
Wisconsin:				
Agriculture Biotechnology/Genetics Facility, University of Wisconsin/Madison	2,600	9,858	3,429	7,393
College of Natural Resources, University of Wisconsin—Stevens Point	.....	(1)	(1)	(1)
Research greenhouse	(1)	.....	.....	.....
Rural health information and technology initiative, Medical College of Wisconsin	(1)	.....	1,500	.....
Wyoming: Environmental Simulation Facility, University of Wyoming	(1)	500	500	500
Other facilities grants	9,138	.....	.....	.....
Miscellaneous: Fund for Reports	300	100	200	150
Total, Buildings and facilities	62,867	62,529	60,769	75,270

[1] Report on need and support for proposed faility.

EXTENSION SERVICE

Amendment No. 37: Restores House language and provides $3,557,000 for the urban gardening program.

Amendment No. 38: Provides $8,200,000 for the pest management program instead of $8,950,000 as proposed by the House and $7,450,000 as proposed by the Senate.

Amendment No. 39: Provides $2,470,000 for the farm safety program instead of $1,970,000 as proposed by the House and $2,970,000 as proposed by the Senate. Within the total, $1,500,000 is provided specifically for the assistance of disabled farmers and for those in farm-related occupations to continue their farm and farm-related activities, as recommended by the National Easter Seal Society, instead of $1,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

Amendment No. 40: Provides $3,405,000 for the pesticide impact assessment program instead of $3,580,000 as proposed by the House and $3,230,000 as proposed by the Senate.

Amendment No. 41: Provides $1,010,000 for the District of Columbia extension program instead of $1,031,000 as proposed by the House and $991,000 as proposed by the Senate.

Amendment No. 42: Provides $11,375,000 for a groundwater quality program instead of $12,375,000 as proposed by the House and $10,375,000 as proposed by the Senate.

Amendment No. 43: Provides $1,221,000 for an agricultural telecommunications program instead of $2,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees note the work of the Agricultural Satellite Corporation (AG*SAT), a consortium of 34 land-grant universities, and urge the Department to participate with AG*SAT to make affordable telecommunications available to rural schools and universities and to rural communities. The conferees will expect the Extension Service to work closely with the Rural Electrification Administration and to participate with SERC and AG*SAT to expand the use of this technology in rural America.

Amendment No. 44: Restores House language and provides $1,500,000 for the food safety program instead of $1,750,000 as proposed by the House.

Amendment No. 45: Provides $1,500,000 for payments for Indian reservation agents instead of $2,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 46: Provides $24,730,000 for payments for extension work to the 1890

land-grant colleges and Tuskegee University instead of $25,755,000 as proposed by the House and $23,706,000 as proposed by the Senate.

Amendment No. 47: Appropriates $407,978,000 for the Extension Service, excluding Federal Administration, as proposed by the House instead of $401,732,000 as proposed by the Senate.

The conference agreement includes $255,000, within the total for the Youth-at-Risk Program, for a joint outreach program between Southwest State University and the Minnesota Extension Service instead of $300,000 as proposed by the House.

Amendment No. 48: 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: *$11,347,000*

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 $11,347,000 for Federal Administration of the Extension Service instead of $9,079,000 as proposed by the House and $10,397,000 as proposed by the Senate. The following table reflects the conference agreement for Federal Administration and recommends the following amounts:

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Federal Administration			
General administration	5,388	5,181	5,181
Pilot tech. transfer (OK, MS)	331	331	331
Pilot tech. transfer (WI)	165	165	165
Crambe/rapeseed (NE)	67	67	67
Ag. development Pacific (HI)	647	647	647
Pay costs	797	797	797
Project future (MN)	250	.....	250
Rural rehabilitation (GA)	256	256	256
Crop simulation (MS)	498	498	498
Income enhancement demonstration (OH)	250	.....	250
Rural education satellite downlink (PA)	150	.....	285
Rural development (NM)	230	115	230
Southern Kentucky feasibility study	50	.....	50
Rural development (NE)	.....	200	200
Rural development (OK)	.....	300	300
Rural education pilot (ND)	.....	846	846
Presque Isle (ME)	.....	187	187
Beef producers' improvement (AR)	.....	200	200
Integrated cow/calf resources management (IA)	.....	150	150
Rural health infrastructure (AL)	.....	200	200
Home sewing (MS, SC, AL)[1]	.....	157	157
Extension specialist (AR)	.....	100	100
Total, Federal Administration	9,079	10,397	11,347

[1] House bill included $157,000 under General Administration.

NATIONAL AGRICULTURAL LIBRARY

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 amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$17,715,000*

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 $17,715,000 for the National Agricultural Library instead of $17,253,000 as proposed by the House and $417,149,000 as proposed by the Senate.

Amendment No. 50: 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 named in said amendment, insert: *$462,000*

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 earmarks $462,000 for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, Arkansas, instead of $500,000 as proposed by the Senate. The House bill contained no similar provision.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

Amendment No. 51: Appropriates $550,000 for the Office of the Assistant Secretary for Marketing and Inspection Services as proposed by the House instead of $535,000 as proposed by the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 52: 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: *$430,939,000*

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 $430,939,000 for the Animal and Plant Health Inspection Service, Salaries and Expenses instead of $426,903,000 as proposed by the House and $415,987,000 as proposed by the Senate. The conference agreement provides for all earmarks as proposed in the House and Senate reports. The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Pest and Disease Exclusion			
Africanized bee	1,000	.....	.....
Agricultural quarantine inspection	19,128	20,425	20,425
User fees	85,922	78,356	85,922
Subtotal, Agricultural quarantine inspection	105,050	98,781	106,347
Foot-and-mouth disease	3,891	3,891	3,891
Import-export inspection	9,918	9,627	9,918
International programs	4,498	4,498	4,498
Mediterranean fruit fly exclusion	10,052	10,052	10,052
Mexican fruit fly exclusion	1,164	1,164	1,164
Screwworm	34,011	34,011	34,011
Total, Pest and disease exclusion	169,584	162,024	169,881
Plant and Animal Health Monitoring			
Animal disease detection	9,452	8,846	9,452
Fruit fly detection	3,941	3,941	3,941
Pest detection	3,976	3,976	3,976
Total, Plant and animal health monitoring	17,369	16,763	17,369
Pest and Disease Management Programs			
Animal damage control—operations	25,822	25,811	25,822
Animal health compliance and enforcement	12,354	11,604	12,354
Biocontrol	7,549	5,149	5,149
Boll weevil	13,135	13,135	13,135
Brucellosis eradication	67,135	67,135	67,135
Cattle ticks	6,172	6,172	6,172
Citrus canker	.....	.....	.....
Golden nematode	862	862	862
Grasshopper	3,850	3,850	3,850
Reserve fund	.....	5,000	5,000
Gypsy moth	5,162	5,162	5,162

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—Continued

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Honey bee pests	531	531	531
Imported fire ant	3,732	3,732	3,732
Miscellaneous plant and animal diseases	3,475	2,211	3,475
National poultry improvement plan	245	245	245
Noxious weeds	1,081	561	820
Pink bollworm	2,800	2,800	2,800
Poultry diseases	722	722	722
Pseudorabies	7,554	6,713	7,554
Russian wheat aphid	.....	2,400	2,400
Scrapie	1,846	846	846
Swine health protection	3,586	3,586	3,586
Tuberculosis	3,738	3,738	3,738
Witchweed	5,386	5,386	5,386
Total, Pest and disease management programs	176,737	177,351	180,476
Animal Care			
Animal welfare	9,688	9,688	9,688
Horse protection	382	382	382
Total, Animal welfare	10,070	10,070	10,070
Scientific and Technical Services			
ADC methods development	9,517	9,267	9,517
Biotechnology	6,194	6,087	6,194
Integrated systems acquisition project	2,507	.....	2,507
Plant methods development	5,834	5,834	5,834
Veterinary biologics	9,756	9,756	9,756
Veterinary diagnostics	14,335	14,335	14,335
Total, Scientific and technical services	48,143	45,279	48,143
Contingency fund	5,000	4,500	5,000
Total, Salaries and expenses	426,903	415,987	430,939

Amendment No. 53: Provides that $85,922,000 shall be derived from the user fees deposited in the Agricultural Quarantine Inspection User Fee Account as proposed by the House instead of $78,356,000 as proposed by the Senate.

The conferees are aware of concern that the fees collected for Agricultural Quarantine Inspection (AQI) may exceed the amount required to carry out the program. The conferees expect the Secretary to report to the appropriate committees of Congress, on a semiannual basis, on the status of the AQI fund and to take any action necessary to maintain no more than a reasonable reserve in the fund by adjusting the fees accordingly. The conferees further note that the prohibition in this Act on the collection of user fees for travel from Hawaii and Puerto Rico applies to passengers, commercial aircraft and cargo.

Amendment No. 54: Provides that $5,000,000 shall be available for a contingency fund for the Animal and Plant Health Inspection Service as proposed by the House instead of $4,500,000 as proposed by the Senate.

Amendment No. 55: Deletes Senate language prohibiting the Animal and Plant Health Inspection Service's Methods Development Center in Hoboken, New Jersey, from being moved to any other State before September 30, 1992. The House bill contained no similar provision. The conferees have been advised that APHIS plans to relocate the Methods Development Center currently located in Hoboken, New Jersey, to another location in New Jersey. Therefore, the Senate bill language is no longer necessary. The conferees agree with maintaining the Center in New Jersey.

BUILDINGS AND FACILITIES

Amendment No. 56: Appropriates $21,396,000 for the Animal and Plant Health Inspection

Service, Buildings and Facilities as proposed by the House instead of $20,900,000 as proposed by the Senate. The conferees agree to delete earmarks.

Amendment No. 57: Deletes Senate language providing that $4,998,000 of the amount appropriated shall not be available for obligation until September 20, 1992. The House bill contained no similar provision.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 58: Appropriates $11,397,000 for the Federal Grain Inspection Service, Salaries and Expenses as proposed by the House instead of $10,557,000 as proposed by the Senate.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Amendment No. 59: Provides a limitation of $40,176,000 as proposed by the Senate instead of $39,383,000 as proposed by the House.

AGRICULTURAL COOPERATIVE SERVICE

Amendment No. 60: Appropriates $5,640,000 for the Agricultural Cooperative Service as proposed by the House instead of $5,140,000 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 amendment of the Senate which provides that $99,000 shall be available for a field office in the State of Hawaii. The House bill contained no similar provision.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 62: Appropriates $56,636,000 for the Agricultural Marketing Service, Marketing Services as proposed by the House instead of $42,066,000 as proposed by the Senate.

The conference agreement provides not more than $11,862,000 for the Pesticide Data Collection Program, the same level as provided in fiscal year 1991. The conference agreement restores House report language for the Toledo, Ohio, farmers market.

The agreement deletes the Senate earmark under payments to States and Possessions.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

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 amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

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 amends Senate language providing for an export program for sunflower and cottonseed oil.

MISCELLANEOUS TRUST FUNDS

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 amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $600,000, making a total of $1,850,000

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 $1,850,000 for Miscellaneous Trust Funds instead of $1,650,000 as proposed by the House and $600,000 as proposed by the Senate. The conference agreement includes $1,250,000 for the Dairy Grading Program, $400,000 for the National Laboratory Accreditation Program, and an additional $200,000 for development, promulgation, and implementation of the rules and regulations for the National Laboratory Accreditation Program.

PACKERS AND STOCKYARDS ADMINISTRATION

Amendment No. 65: Appropriates $12,009,000 for the Packers and Stockyards Administration as proposed by the House instead of $11,859,000 as proposed by the Senate. The conferees agree with Senate report language on a red meat concentration study.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

Amendment No. 66: Appropriates $551,000 for the Office of the Under Secretary for International Affairs and Commodity Programs as proposed by the House instead of $531,000 as proposed by the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

Amendment No. 67: Provides a total of $720,451,000 for the Agricultural Stabilization and Conservation Service, Salaries and Expenses instead of $720,705,000 as proposed by the House and $720,436,000 as proposed by the Senate. Of this total, $719,289,000 is appropriated as proposed by the House instead of transferred from the Commodity Credit Corporation Fund as proposed by the Senate. In addition, $573,000 is transferred from the Public Law 480 Program Account as proposed by the House instead of $558,000 as proposed by the Senate.

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 amendment of the Senate which provides that funds shall be available to establish a National Appeals Division.

FEDERAL CROP INSURANCE CORPORATION

FEDERAL CROP INSURANCE CORPORATION FUND

Amendment No. 69: Appropriates $260,500,000 for the Federal Crop Insurance Corporation Fund as proposed by the Senate instead of $221,500,000 as proposed by the House.

The conferees expect the Department to abide by last year's report which directed that sales and loss adjustment for Federal crop insurance be returned to the control of the Agricultural Stabilization and Conservation Service. Personnel in ASCS county offices should be trained in sales and services of crop insurance to assist the farmers.

COMMODITY CREDIT CORPORATION FUND

The conferees agree that for the alternative fuels program specified in Senate report language, not less than six qualified unrelated farmer-owned cooperatives shall be involved.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

Amendment No. 70: 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:

Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed $7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1992, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

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 limits the reimbursement for net realized losses sustained, but not previously reimbursed, to $7,250,000,000 instead of $8,450,000,000 as proposed by both the House and the Senate.

The conference agreement also restores House language which limits the amount the Commodity Credit Corporation can obligate in connection with operations and maintenance for hazardous waste management to $3,000,000. The House bill provided a limit of $5,000,000 and the Senate bill deleted the House language.

GENERAL SALES MANAGER

Amendment No. 71: Provides $9,071,000 for expenses of the General Sales Manager as proposed by the Senate instead of $9,103,000 as proposed by the House.

Amendment No. 72: Provides that $1,242,000 may be transferred from the Public Law 480 Program Account to the General Sales Manager's Account as proposed by the Senate instead of $1,274,000 as proposed by the House.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

Amendment No. 73: Appropriates $563,000 for the Office of the Assistant Secretary for Natural Resources and Environment as proposed by the House instead of $543,000 as proposed by the Senate.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

Amendment No. 74: Provides that not less than $400,000,000 of the amount appropriated for the Soil Conservation Service, Conservation Operations may be used for personnel compensation and benefits as proposed by the Senate instead of $411,800,000 as proposed by the House. The conferees agree to the earmarks proposed by both Houses.

Amendment No. 75: 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 which provides that the Secretary of Agriculture may expend funds acquired as a result of a land transfer in Skagit County and Bellingham, Washington. The funds may be used to construct buildings and related facilities on Federally owned land for plant materials purposes in Skagit County, Washington.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 76: Appropriates $205,266,000 for Watershed and Flood Prevention Operations as proposed by the Senate instead of $205,238,000 as proposed by the House.

The conference agreement earmarks not less than $8,500,000 for the Yazoo Basin, Mississippi, project. The conference agreement also earmarks not less than $4,250,000 for phase I construction of North and South Mill Creek Dam No. 7 in West Virginia and not less than $4,250,000 for phase I construction of Howard Creek Dam No. 12 in West Virginia. The conferees are aware that the higher funding levels provided by the conference agreement for the Public Law 534 and Public Law 566 programs may increase these States' allocations beyond the levels earmarked herein. The conferees also agree with the Senate earmarks for exigency work under the Emergency Watershed Protection Program in West Virginia and Mississippi.

The conferees are aware of flooding conditions along the Big Creek, Lost Creek, and Christian Creek vicinity of Jonesboro, Arkansas, and expect the Soil Conservation Service to begin the flood plain management study as soon as possible.

Amendment No. 77: Provides $36,091,000 for the Public Law 534 program as proposed by the Senate instead of $30,091,000 as proposed by the House.

Amendment No. 78: Provides $20,028,000 for the Emergency Watershed Program as proposed by the Senate instead of $30,000,000 as proposed by the House.

Amendment No. 79: Restores House section numbers.

Amendment No. 80: Restores House U.S. Code citation.

RESOURCE CONSERVATION AND DEVELOPMENT

Amendment No. 81: Appropriates $32,516,000 for Resource Conservation and Development as proposed by the House instead of $31,236,000 as proposed by the Senate.

The conferees are aware of the additional needs of the Laurel Ridge, Pennsylvania, and North Dakota Resource Conservation Districts and expect the Soil Conservation Service to give special consideration to these projects.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

Amendment No. 82: Appropriates $194,435,000 for the Agricultural Conservation Program as proposed by the House instead of $193,652,000 as proposed by the Senate. The conferees agree that the Lake Champlain basin special water quality projects in Vermont shall be given increased attention.

Amendment No. 83: 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: *Provided further, That not to exceed $6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)*

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 not to exceed $6,750,000 of the amount appropriated for the Agricultural Conservation Program (ACP) shall be used for a Water Quality Incentives Program instead of $10,000,000 as proposed by the Senate. The House provided $3,500,000 for the same activity under Amendment No. 85. The conference agreement provides that these funds shall be derived from within the total of $30,000,000 available for the Agricultural Conservation Program water quality activities, and that funds for the Water Quality Incentives Program will not impact the normal Agricultural Conservation Program practices. The conferees expect the Water Quality Incentives Program to be an ACP practice but regulations should be promulgated for the Water Quality Incentives Program before expending these funds.

Amendment No. 84: Deletes Senate language which allowed the Agricultural Stabilization and Conservation Service to cost share irrigation systems with Hawaiian Home Land homesteaders. The House bill contained no similar provision.

AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM

Amendment No. 85: Deletes House language which provided funding for the Agricultural Water Quality Incentives Program. Funding for this program is provided as part of the Agricultural Conservation Program under Amendment No. 83.

EMERGENCY CONSERVATION PROGRAM

Amendment No. 86: Appropriates $6,000,000 for the Emergency Conservation Program instead of $10,000,000 as proposed by the House. The Senate bill deleted the House provision.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

The conferees agree to delete the Senate earmark but the conferees are aware of the need to complete the Environmental Impact Statement for the Moapa Valley salinity control project and expect the Department to provide the necessary funds.

CONSERVATION RESERVE PROGRAM

Amendment No. 87: Appropriates $1,611,277,000 for the Conservation Reserve Program as proposed by the Senate instead of $1,642,760,000 as proposed by the House.

WETLANDS RESERVE PROGRAM

Amendment No. 88: 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:

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $46,357,000, to remain available until expended: Provided, That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: Provided further, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve 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 conference agreement appropriates $46,357,000 to carry out a Wetlands Reserve Program not in excess of 50,000 acres during fiscal year 1992. The Senate bill provided $91,000,000 for the Wetlands Reserve Program and not in excess of 98,000 acres during fiscal year 1992. The House bill contained no similar provision.

The conferees expect the Department to conduct a pilot program for the Wetlands Reserve Program in not more than five States. The pilot program should be evaluated to determine the actual cost and benefits to be derived from the Wetlands Reserve Program in the interest of farmers. In the report requested by both the House and Senate Committees on Appropriations the conferees expect information on the prospect of easements for periods less than 30 years, including budgetary impacts, the quality and quantity of wetlands restoration, and program participation. The conferees expect the report by June 30, 1992.

The agreement also allows the use of Commodity Credit Corporation services, facilities, and authorities in carrying out the Wetlands Reserve Program as proposed by the Senate.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

Amendment No. 89: Appropriates $572,000 for the Office of the Under Secretary for Small Community and Rural Development as proposed by the House instead of $552,000 as proposed by the Senate.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 90: Provides $1,624,500,000 for section 502 loans instead of $1,626,451,000 as proposed by the House and $1,406,451,000 as proposed by the Senate.

Amendment No. 91: Provides $329,500,000 for unsubsidized guaranteed loans instead of $350,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 92: Deletes Senate language which added the word "and".

Amendment No. 93: Restores House language and provides $250,000,000 for credit sales of acquired property. The House bill provided $284,000,000.

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 amendment of the Senate which provides that up to $35,000,000 of the section 502 loan funds shall be made available for section 502(g), Deferred Mortgage Demonstration. The House bill contained no similar provision.

The following table reflects the conference agreement on the rural housing loan program:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
RHIF loan levels:			
Low-income housing loans (sec. 502)	$1,226,451,000	$1,256,451,000	$1,245,000,000
Unsubsidized direct loans	50,000,000	50,000,000	50,000,000
Unsubsidized guaranteed loans	350,000,000	100,000,000	329,500,000
Rural housing site loans (sec. 524)	600,000	600,000	600,000
Rural rental housing loans (sec. 515)	573,900,000	573,900,000	573,900,000
Very low-income repair loans (sec. 504)	11,330,000	11,330,000	11,330,000
Domestic farm labor loans	16,300,000	16,300,000	16,300,000

LOAN LEVELS—Continued

	House bill	Senate bill	Conference agreement
Credit sales of acquired property	284,000,000		250,000,000
Total, RHIF loan levels	2,512,581,000	2,008,581,000	2,476,630,000

Amendment No. 95: Appropriates $287,591,000 for the cost of direct and guaranteed low-income housing section 502 loans as proposed by the Senate instead of $324,896,000 as proposed by the House.

Amendment No. 96: Earmarks $3,723,000 for the cost of guaranteed loans instead of $12,360,000 as proposed by the House and $1,130,000 as proposed by the Senate.

Amendment No. 97: Appropriates $4,999,000 for the cost of section 504 housing repair loans as proposed by the Senate instead of $5,280,000 as proposed by the House.

Amendment No. 98: Appropriates $9,002,000 for the cost of section 514 farm labor housing as proposed by the Senate instead of $9,536,000 as proposed by the House.

Amendment No. 99: Appropriates $248,499,000 for the cost of section 515 rental housing as proposed by the Senate instead of $268,585,000 as proposed by the House.

Amendment No. 100: Restores House language and appropriates $36,725,000 for the cost of credit sales of acquired property. The House bill appropriated $40,612,000.

Amendment No. 101: Appropriates $9,000 for the cost of site loans as proposed by the Senate. The House bill contained no similar provision.

The following table reflects the conference agreement on the cost of loan subsidies associated with the Rural Housing Insurance Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
RHIF loan subsidies:			
Single family (sec. 502):			
Direct	$312,536,000	$286,461,000	$283,868,000
Guaranteed	12,360,000	1,130,000	3,723,000
Housing repair (sec. 504)	5,280,000	4,999,000	4,999,000
Farm labor (sec. 514)	9,536,000	9,002,000	9,002,000
Rental housing (sec. 515)	268,585,000	248,499,000	248,499,000
Site loans		9,000	9,000
Credit sales of acquired property	40,612,000		36,725,000
Total, RHIF loan subsidies	648,909,000	550,100,000	586,825,000

The Senate bill and the conference agreement utilize the Office of Management and Budget subsidy rates, whereas the House bill utilized the Congressional Budget Office subsidy rates.

Amendment No. 102: Appropriates $427,111,000 for administrative expenses in connection with Rural Housing Insurance Fund loans instead of $425,173,000 as proposed by the House and $428,746,000 as proposed by the Senate.

RENTAL ASSISTANCE PROGRAM

Amendment No. 103: 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: *$319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the 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 appropriates $319,900,000 for rental assistance agreements as proposed by the Senate instead of $308,100,000 as proposed by the House. The conference agreement also adds a technical amendment to conform the Rental Assistance Program to the provisions of the Credit Reform Act.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

Amendment No. 104: Appropriates $43,000 for the cost of direct loans under the Self-Help Housing Land Development Fund as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 105: Appropriates $21,000 for administrative expenses necessary to carry out the direct loan program under the Self-Help Housing Land Development Fund as proposed by the Senate. The House bill contained no similar provision.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 106: Provides for a direct and guaranteed farm ownership loan program of $555,500,000 as proposed by the House instead of $861,000,000 as proposed by the Senate.

Amendment No. 107: 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: *$488,750,000*

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 for a guaranteed loan program of $488,750,000 instead of $509,000,000 as proposed by the House and $774,000,000 as proposed by the Senate.

Amendment No. 108: 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: *$2,832,140,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans*

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 $2,832,140,000 for a direct and guaranteed operating loan program instead of $3,500,000,000 as proposed by the House and $1,922,140,000 as proposed by the Senate. The conference agreement also provides $1,800,000,000 for unsubsidized guaranteed loans instead of $2,600,000,000 as proposed by the House and $1,000,000,000 as proposed by the Senate. In addition, the agreement provides $182,140,000 for subsidized guaranteed loans as proposed by the Senate. The House bill contained no similar provision.

The conferees agree that for annual operating loans the Department should give increased emphasis to subordinations, which will help utilize more direct and guaranteed loan funds for term loans. But, in no case should the Department restrict annual loans to farmers because of the lack of a subordination opportunity.

Amendment No. 109: Deletes Senate language which added the word "and".

Amendment No. 110: Restores House language and provides $200,000,000 for the cost of credit sales of acquired property. The House bill provided $250,000,000 for the cost of credit sales.

The following table reflects the conference agreement on the Agricultural Credit Insurance Fund loan program:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
ACIF loan levels:			
Farm ownership loans:			
Direct	$46,500,000	$87,000,000	$66,750,000
Unsubsidized guaranteed loans	509,000,000	774,000,000	488,750,000
Farm operating loans:			
Direct	900,000,000	740,000,000	850,000,000
Unsubsidized guaranteed loans	2,600,000,000	1,000,000,000	1,800,000,000
Subsidized guaranteed loans		182,140,000	182,140,000
Soil and water loans:			
Direct	5,500,000	5,500,000	5,500,000

LOAN LEVELS—Continued

	House bill	Senate bill	Conference agreement
Guaranteed	1,500,000	1,500,000	1,500,000
Indian land acquisition	1,000,000	1,000,000	1,000,000
Emergency loans	600,000,000	600,000,000	600,000,000
Watershed and flood prevention loans	4,000,000	4,000,000	4,000,000
Resource conservation and development loans	600,000	600,000	600,000
Credit sales of acquired property	250,000,000		200,000,000
Total, ACIF loan levels	4,918,100,000	3,395,740,000	4,200,240,000

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 amendment of the Senate which provides that loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992. The conferees expect the Department to continue the current pooling practices during the third and fourth quarters of the fiscal year.

Amendment No. 112: Appropriates $39,786,000 for the cost of direct and guaranteed farm ownership loans instead of $33,359,000 as proposed by the House and $58,735,000 as proposed by the Senate.

Amendment No. 113: Earmarks $24,545,000 for the cost of guaranteed farm ownership loans instead of $15,270,000 as proposed by the House and $38,870,000 as proposed by the Senate.

Amendment No. 114: Appropriates $168,277,000 for the cost of direct and guaranteed operating loans instead of $220,200,000 as proposed by the House and $141,412,000 as proposed by the Senate.

Amendment No. 115: Earmarks $22,455,000 for the cost of guaranteed loans instead of $31,200,000 as proposed by the House and $12,475,000 as proposed by the Senate.

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 amendment of the Senate which earmarks the foregoing $22,455,000 as unsubsidized guaranteed loans and also provides $15,350,000 for subsidized guaranteed loans. The House did not differentiate between subsidized and unsubsidized loans.

Amendment No. 117: Appropriates $499,000 for the cost of direct and guaranteed water development, use, and conservation loans as proposed by the Senate instead of $2,615,000 as proposed by the House.

Amendment No. 118: Earmarks $43,000 for the cost of guaranteed water development, use, and conservation loans as proposed by the Senate instead of $30,000 as proposed by the House.

Amendment No. 119: Appropriates $253,000 for the cost of Indian tribe land acquisition loans as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 120: Appropriates $55,000,000 for the cost of disaster loans instead of $32,100,000 as proposed by the House and $121,560,000 as proposed by the Senate.

Amendment No. 121: Deletes Senate language which added the word "and".

Amendment No. 122: Appropriates $2,000 for the cost of watershed, flood prevention and resource conservation loans as proposed by the Senate instead of $2,162,000 as proposed by the House.

Amendment No. 123: Restores House language and appropriates $59,880,000 for the cost of credit sales of acquired property. The House bill appropriated $117,500,000 for credit sales and no funds were proposed by the Senate.

The following table reflects the conference agreement on the cost of loan subsidies under the Agricultural Credit Insurance Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
ACIF loan subsidies:			
Farm ownership:			
Direct	$18,089,000	$19,865,000	$15,241,000
Guaranteed unsubsidized	15,270,000	38,870,000	24,545,000
Farm operating:			
Direct	189,000,000	113,587,000	130,472,000
Guaranteed unsubsidized	31,200,000	12,475,000	22,455,000
Guaranteed subsidized		15,350,000	15,350,000
Soil and water:			
Direct	2,585,000	456,000	456,000
Guaranteed	30,000	43,000	43,000
Indian tribe land acquisition	1,000,000	253,000	253,000
Emergency disaster	32,100,000	121,560,000	55,000,000
Watershed and flood prevention	1,880,000	1,000	1,000
Resource conservation	282,,000	1,,000	1,000
Credit sales of acquired property	117,500,000		59,880,000
Total, ACIF loan subsidies	480,936,000	322,461,000	323,697,000

The Senate and the conference agreement subsidy rates are based on those used by the Office of Management and Budget, whereas the House subsidy rates were based on the Congressional Budget Office rates.

Amendment No. 124: Appropriates $230,179,000 for the cost of administrative expenses necessary to carry out the direct and guaranteed loan programs under the Agricultural Credit Insurance Fund as proposed by the House instead of $229,557,000 as proposed by the Senate.

Amendment No. 125: 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 which rephrases and adds permanency to House language limiting loans to the amounts provided in advance in appropriations Acts.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

The conferees' attention has been called to the need for community development and restoration in the inner cities where the need is great. Particular attention was directed to the Labor, Cultural and Community Center in Chicago, Illinois, as a typical example of the national need. No funds are included in this Act; however, the conferees request that a report on the situation be made, from funds available, to the Committees on Appropriations. The conferees are well aware of the success we have had on 4-H type programs in our major cities.

Amendment No. 126: Provides $635,000,000 for direct and guaranteed water and sewer facility loans as proposed by the House instead of $535,000,000 as proposed by the Senate.

The conferees urge the Farmers Home Administration to consider the loan application for a $1,300,000 rural industrial development guaranteed loan by the City of Spokane for the Spokane marketplace.

Amendment No. 127: 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 which provides that none of the funds made available in this Act may be used to make transfers between the loan levels provided.

The following table reflects the conference agreement on loan levels to be available under the Rural Development Insurance Fund:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
RDIF loan levels:			
Water and waste disposal loans	$600,000,000	$500,000,000	$600,000,000
Guaranteed	35,000,000	35,000,000	35,000,000
Community facility loans	100,000,000	100,000,000	100,000,000
Guaranteed	25,000,000	25,000,000	25,000,000

LOAN LEVELS—Continued

	House bill	Senate bill	Conference agreement
Industrial development loans (guaranteed)	100,000,000	100,000,000	100,000,000
Total RDIF loan levels	860,000,000	760,000,000	860,000,000

Amendment No. 128: Appropriates $90,510,000 for the cost of direct and guaranteed water and sewer facility loans instead of $96,840,000 as proposed by the House and $75,530,000 as proposed by the Senate.

Amendment No. 129: Earmarks $630,000 for the cost of guaranteed water and sewer facility loans as proposed by the Senate instead of $840,000 as proposed by the House.

Amendment No. 130: Appropriates $12,519,000 for the cost of direct and guaranteed community facility loans as proposed by the Senate instead of $14,325,000 as proposed by the House.

Amendment No. 131: Earmarks $508,000 for the cost of guaranteed community facility loans as proposed by the Senate instead of $325,000 as proposed by the House.

Amendment No. 132: Appropriates $5,870,000 for the cost of guaranteed industrial development loans as proposed by the Senate instead of $7,920,000 as proposed by the House.

The following table reflects the cost of the loan programs under the Rural Development Insurance Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
RDIF loan subsidies:			
Water and sewer:			
Direct	$96,000,000	$74,900,000	$89,880,000
Guaranteed	840,000	630,000	630,000
Community facility:			
Direct	14,000,000	12,011,000	12,011,000
Guaranteed	325,000	508,000	508,000
Industrial development	7, 920,000	5,870,000	5,870,000
Total RDIF loan subsidies	119,085,000	93,919,000	108,899,000

The Senate and the conference agreement subsidy rates are based on those used by the Office of Management and Budget, whereas the House subsidy rates were based on the Congressional Budget Office rates.

Amendment No. 133: Appropriates $52,286,000 for administrative expenses necessary to carry out the direct and guaranteed loan programs under the Rural Development Insurance Fund as proposed by the Senate instead of $54,906,000 as proposed by the House.

RURAL DEVELOPMENT LOANS PROGRAM ACCOUNT

Amendment No. 134: Appropriates $16,260,000 for the cost of rural development loans as proposed by the Senate instead of $22,050,000 as proposed by the House.

Amendment No. 135: Appropriates $689,000 for the cost of administrative expenses necessary to carry out the rural development loan programs as proposed by the House instead of $656,000 as proposed by the Senate.

RURAL WATER AND WASTE DISPOSAL GRANTS

The conferees are aware of the growing problems of livestock waste in rural areas and support efforts to reduce the threat it poses to dependable water supplies through the use of bacterial digesters and related procedures.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

Amendment No. 136: Restores House language which appropriates $2,500,000 for Supervisory and Technical Assistance Grants. The Senate bill contained no similar provision. The conferees agree that priority for such funds shall be given to applications to assist underserved areas as defined in section 509 of the Housing Act of 1949.

RURAL DEVELOPMENT GRANTS

Amendment No. 137: Adds "of the Consolidated Farm and Rural Development Act" to the citation of legislative authority as proposed by the Senate. The House bill contained no similar provision. The conference agreement provides for the following grants:

	House bill	Senate bill	Conference agreement
1. Recycling facility, Susquehanna Co., PA	$1,000,000		$1,000,000
2. Catfish processing facility, Cotton Plant, AR	500,000	[1]	800,000
3. Livestock holding pens, TX	400,000		400,000
4. Regional farmer's markets:			
Eastern Arkansas	350,000	[1]	[2] 50,000
Carroll County, VA	350,000		350,000
5. Red River Trade Corridor, MN, ND and Manitoba		$400,000	[3]
6. Forestry Marketing Program, VT, NH		100,000	[3]
7. Wheat protein facility, Russell, KS		500,000	400,000
8. Maui Economic Development Board, HI		250,000	250,000
9. State water plan, IA		200,000	200,000
10. Rural Economic Development Center, Jefferson Co., WA		500,000	400,000
11. Extension of sewer facilities, Port of Ephrata, WA		500,000	400,000
12. Job Education and Learning Center, Vermont State Colleges		500,000	400,000
Total earmarks	2,600,000	2,950,000	4,650,000

[1] Senate report includes an unspecified amount for these projects.
[2] Conference agreement provides for a grant of $50,000 for the Eastern Arkansas Farmer's Market as proposed by the House.
[3] Funded under CSRS, special grants.

Amendment No. 138: 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 which earmarks $2,000,000 for grants to statewide private, nonprofit public television systems in predominantly rural States.

SOLID WASTE MANAGEMENT GRANTS

Amendment No. 139: Appropriates $3,000,000 for Solid Waste Management Grants as proposed by the Senate instead of $1,500,000 as proposed by the House.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

Amendment No. 140: Appropriates $10,000,000 for Emergency Community Water Assistance Grants as proposed by the Senate. The House bill contained no similar provision.

SALARIES AND EXPENSES

Amendment No. 141: Provides $748,584,000 for administrative expenses of the Farmers Home Administration as proposed by the House instead of $750,225,000 as proposed by the Senate.

Amendment No. 142: Appropriates $38,298,000 for administrative expenses instead of $37,637,000 as proposed by the House and $38,959,000 as proposed by the Senate.

Amendment No. 143: Provides for a transfer from the Rural Housing Insurance Fund Program Account of $427,111,000 for administrative expenses instead of $425,173,000 as proposed by the House and $428,746,000 as proposed by the Senate.

Amendment No. 144: Provides for a transfer from the Agricultural Credit Insurance Fund Program Account of $230,179,000 for administrative expenses as proposed by the House instead of $229,557,000 as proposed by the Senate.

Amendment No. 145: Provides for a transfer from the Rural Development Insurance Fund Program Account of $52,286,000 for administrative expenses as proposed by the Senate instead of $54,906,000 as proposed by the House.

Amendment No. 146: Provides for a transfer of $21,000 from the Self-Help Housing Land Development Fund Program Account for administrative expenses as proposed by the

Senate and amends Senate language to limit the transfer to funds "in this Act." The House bill contained no similar provision.

Amendment No. 147: Provides for a transfer of $689,000 from the Rural Development Loans Program Account for administrative expenses as proposed by the House instead of $656,000 as proposed by the Senate.

Amendment No. 148: Provides that $3,985,000 shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program instead of $3,670,000 as proposed by the House and $4,300,000 as proposed by the Senate.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Amendments No. 149 and 150: Restore House language providing not less than $622,050,000 nor more than $933,075,000 for rural electrification loans. The Senate bill provided $622,050,000.

Amendments No. 151 and 152: Restore House language providing not less than $239,250,000 nor more than $311,025,000 for rural telephone loans. The Senate bill provided $239,250,000.

Amendments No. 153 and 154: Restore House language providing not less than $933,075,000 nor more than $2,100,615,000 for guaranteed loans. The Senate bill provided $933,075,000.

The following table reflects the conference agreement for loans from the Rural Electrification and Telephone Revolving Fund:

LOAN LEVELS

	House bill	Senate bill	Conference agreement
RETRF loan levels:			
Electric loans:			
REA insured	$622,050,000	$622,050,000	$622,050,000
FFB insured	813,450,000	813,450,000	813,450,000
Private sector guarantees	169,042,000		
Total, electric	1,604,542,000	1,435,500,000	1,435,500,000
Telephone loans:			
REA insured	239,250,000	239,250,000	239,250,000
FFB insured	119,625,000	119,625,000	119,625,000
Private sector guarantees	64,958,000		
Total, telephone	423,833,000	358,875,000	358,875,000
Modified direct loans	493,700,000	493,700,000	493,700,000
Total, RETRF loan levels	2,522,075,000	2,288,075,000	2,288,075,000

Amendment No. 155: Deletes House language which provided that no funds appropriated in this Act may be used to deny or reduce loans or loan advances based on a borrower's level of general funds. The conferees agree to delete the House language because this provision has been enacted into permanent law by other legislation.

Amendment No. 156: 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: *: Provided further, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances*

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 amends Senate language by deleting the prohibition against using funds to "develop" any other criteria, ratio, or test.

Amendment No. 157: Appropriates $157,609,000 for the cost of direct loans as proposed by the Senate instead of $229,967,000 as proposed by the House.

Amendment No. 158: Adds the word "and" as proposed by the Senate.

Amendment No. 159: Appropriates $14,152,000 for the cost of guaranteed loans as proposed by the Senate instead of $6,531,000 as proposed by the House.

Amendment No. 160: Deletes House language which appropriated $105,000 for the cost of private sector loan guarantees.

The following table reflects the conference agreement on the cost of loan subsidies associated with the Rural Electrification and Telephone Revolving Fund:

LOAN SUBSIDIES

	House bill	Senate bill	Conference agreement
RETRF loan subsidies:			
Direct loans:			
Electric	$166,087,000	$117,319,000	$117,319,000
Telephone	63,880,000	40,290,000	40,290,000
Guaranteed loans:			
Electric	62,000		
Telephone	43,000		
REA–FFB loans	6,531,000	14,152,000	14,152,000
Total, RETRF loan subsidies	236,603,000	171,761,000	171,761,000

The Senate bill and the conference agreement utilize the Office of Management and Budget subsidy rates, whereas the House bill utilized the Congressional Budget Office subsidy rates.

Amendment No. 161: Appropriates $29,163,000 for administrative expenses necessary to carry out the direct and guaranteed loan programs as proposed by the House instead of $28,311,000 as proposed by the Senate.

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 amendment of the Senate which deletes House language and adds new language providing that hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

Amendments No. 163 and 164: Restore House language providing not less than $177,045,000 nor more than $210,540,000 for loans from the Rural Telephone Bank. The Senate bill provided $177,045,000.

The conferees agree that the Department should not transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements, and that such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

Amendment No. 165: Appropriates $3,629,000 for the cost of direct loans as proposed by the Senate instead of $11,331,000 as proposed by the House.

Amendment No. 166: Appropriates $8,632,000 for administrative expenses necessary to carry out the loan programs as proposed by the House instead of $8,392,000 as proposed by the Senate.

RURAL COMMUNICATION DEVELOPMENT FUND

Amendment No. 167: Deletes House language which appropriated $1,264,000 for interest subsidies and losses of the Rural Communication Development Fund as proposed by the Senate. The conferees agree to delete this account since under Credit Reform this appropriation is no longer required.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

Amendment No. 168: Restores House language which appropriates $5,000,000 for the Distance Learning and Medical Link Programs. The Senate bill contained no similar provision. The conferees note the work of the Satellite Education Resources Consortium (SERC), a leading multistate distance learning consortium, and urge the Department to participate with SERC to make affordable advanced telecommunications available to rural schools and communities. The conferees expect the Rural Electrification Administration to work closely with the Extension Service and to participate with SERC and AG*SAT to expand the use of this technology in rural America.

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

Amendment No. 169: Provides $8,406,000 for loans from the Rural Economic Development Subaccount as proposed by the Senate instead of $5,000,000 as proposed by the House. The House bill also provided that such funds were to remain available until expended.

Amendment No. 170: Appropriates $2,546,000 for the cost of direct loans as proposed by the Senate instead of $1,700,000 as proposed by the House.

OFFICE OF THE ADMINISTRATOR

Amendment No. 171: Appropriates $243,000 for salaries and expenses of the Office of the Administrator of the Rural Electrification Administration as proposed by the Senate instead of $256,000 as proposed by the House.

SALARIES AND EXPENSES

Amendment No. 172: Provides $37,795,000 for Salaries and Expenses of the Rural Electrification Administration as proposed by the House instead of $36,703,000 as proposed by the Senate.

Amendment No. 173: Provides for a transfer from the Rural Electrification and Telephone Loans Program Account of $29,163,000 as proposed by the House instead of $28,311,000 as proposed by the Senate.

Amendment No. 174: Provides for a transfer of $8,632,000 from the Rural Telephone Bank Program Account as proposed by the House instead of $8,392,000 as proposed by the Senate.

Amendment No. 175: Adds the word "additional" as proposed by the Senate.

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 stricken and inserted by said amendment, insert: *$500,000 nor more than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs*

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 limits funds available for community and economic development technical assistance and programs to not less than $500,000 nor more than $1,000,000 instead of not less than $500,000 as proposed by the House and not less than $500,000 nor more than $1,500,000 as proposed by the Senate.

Amendment No. 177: 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: *and whose full-time responsibilities are to administer such community and economic development programs*

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 adopts Senate language and deletes House language, both of which dealt with Rural Electrification Administration employees who carry out community and economic development programs. The agreement also makes a technical correction to the Senate language.

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 amendment of the Senate which provides that none of the salaries and expenses provided to the Rural Electrification Administration and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

Amendment No. 179: Appropriates $542,000 for the Office of the Assistant Secretary for Food and Consumer Services as proposed by the House instead of $522,000 as proposed by the Senate.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Amendment No. 180: Provides a total of $6,068,315,000 for the Child Nutrition Programs, including transfers of funds from section 32, instead of $6,067,386,000 as proposed by the House and $6,068,743,000 as proposed by the Senate.

Amendment No. 181: Appropriates $1,393,223,000 for the Child Nutrition Programs instead of $1,392,294,000 as proposed by the House and $1,393,651,000 as proposed by the Senate.

Amendment No. 182: Provides that $1,322,000 shall be available to operate the Food Service Management Institute instead of $1,143,000 as proposed by the House and $1,500,000 as proposed by the Senate.

The conference agreement provides $750,000 for nutrition studies and surveys to conduct a comprehensive school lunch study instead of $1,000,000 as proposed by the Senate. The House bill contained no similar provision.

The Food Service Management Institute was established to improve the operation and quality of Child Nutrition Programs. The conferees expect the Department to utilize this source of knowledge and expertise and coordinate the school lunch study with the Institute. The conferees have provided increases to both the Department and the Institute for this purpose.

The conferees are aware of the pledge by the Secretary to take steps to reduce the fat content of meals provided by the school lunch program and bring their nutritive content into compliance with Federal dietary guidelines by 1994. The conferees expect the Department to use the Food Service Management Institute to assist in educating and training school food service personnel to meet this initiative.

The conference agreement provides for the Child Nutrition Programs at the following annual rates:

TOTAL OBLIGATIONAL AUTHORITY

	House bill	Senate bill	Conference agreement
Child Nutrition Programs:			
School lunch program	$3,622,973,000	$3,622,973,000	$3,622,973,000
School breakfast program	721,924,000	721,924,000	721,924,000
State administrative expenses	69,852,000	69,852,000	69,852,000
Summer food service program	196,164,000	196,164,000	196,164,000
Child care food program	1,211,589,000	1,211,589,000	1,211,589,000
Commodity procurement	226,573,000	226,573,000	226,573,000
Nutrition studies and surveys	3,085,000	4,085,000	3,835,000
Nutrition education and training	10,000,000	10,000,000	10,000,000
Federal review system	4,083,000	4,083,000	4,083,000
Food Service Management Institute	1,143,000	1,500,000	1,322,000
Total	6,067,386,000	6,068,743,000	6,068,315,000

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Amendment No. 183: Appropriates $2,600,000,000 for the Special Supplemental Food Program for Women, Infants and Children (WIC) as proposed by the House instead of $2,573,400,000 as proposed by the Senate.

The conferees understand that the Department is currently reviewing the WIC food package. The conferees believe the review should be completed as expeditiously as possible so that WIC participants are assured of continued access to highly nutritious foods which are critical to the health and development of mothers, infants and children. The conferees expect the Department to make a report to the appropriate committees of Congress on the issue of cereals containing fruit in the WIC food package by December 31, 1991.

Amendment No. 184: 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 named in said amendment, insert: *$3,000,000*

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 that up to $3,000,000 may be used to carry out the Farmer's Market Coupon Demonstration Project instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees expect the project to be carried out under the same terms and conditions as last year.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Amendment No. 185: Appropriates $90,000,000 for the Commodity Supplemental Food Program instead of $91,284,000 as proposed by the House and $88,318,000 as proposed by the Senate.

In the past, the conferees have directed the Department to use unexpended funds to expand elderly caseloads and approve applications for additional Commodity Supplemental Food Program sites. It has come to the attention of the conferees that, due to lower-than-projected food costs and lower-than-projected participation by women and children, the Department will carry over into fiscal year 1992 over $6,000,000 of unused funds. It has also come to the attention of the conferees that the Department did not expand the elderly caseload or approve any additional sites in fiscal year 1991. The con-

ferees expect the Department to comply with the intent of Congress and expand both the women and children and the elderly programs where possible.

FOOD STAMP PROGRAM

Amendment No. 186: Appropriates $23,362,975,000 for the Food Stamp Program instead of $22,162,975,000 as proposed by the House and $23,662,975,000 as proposed by the Senate.

Amendment No. 187: Provides that $1,500,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress as proposed by the House instead of $3,000,000,000 as proposed by the Senate. Included in the amount provided is up to $3,000,000 to fund outreach programs; up to $1,000,000 to fund the food stamp strike force program to be coordinated with the Office of the Inspector General; and $500,000 for expansion of the electronic benefit transfer (EBT) program. The conferees still expect the Department to submit the study requested in the House report regarding EBT by March 31, 1992.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

Amendment No. 188: Appropriates $233,437,000 for the Food Donations Programs for Selected Groups as proposed by the House instead of $225,143,000 as proposed by the Senate. Included in this amount are funds for the continuation of assistance traditionally provided to the nuclear-affected atolls of Bikini, Enewetak, Rongelap, and Utrik.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Amendment No. 189: Appropriates $45,000,000 for necessary expenses to carry out The Emergency Food Assistance Program as proposed by the Senate instead of $50,000,000 as proposed by the House.

FOOD PROGRAM ADMINISTRATION

Amendment No. 190: Appropriates $103,535,000 for Food Program Administration instead of $101,617,000 as proposed by the House and $105,453,000 as proposed by the Senate.

HUMAN NUTRITION INFORMATION SERVICE

Amendment No. 191: Appropriates $10,788,000 for the Human Nutrition Information Service instead of $11,255,000 as proposed by the House and $9,788,000 as proposed by the Senate. The amount provided restores the Pesticide Data Program to the 1991 level and provides a $500,000 increase for activities required in the National Nutrition Monitoring and Related Research Act of 1990.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendment No. 192: Appropriates $110,023,000 for necessary expenses of the Foreign Agricultural Service as proposed by the House instead of $106,626,000 as proposed by the Senate.

The conferees expect the Department to give consideration to the Senate earmarks involving the peanut and pecan programs when making allocations for the Market Promotion Program, but emphasize that the Department is to review fully all segments of the peanut and pecan industries when making any allocations for these commodities to assure that the programs, which have the greatest benefit to the industries, receive priority.

AMERI FLORA, '92 EXPOSITION

Amendment No. 193: Restores House language which appropriates $500,000 for the Ameri Flora '92 Exposition. The Senate bill contained no similar provision.

PUBLIC LAW 480 PROGRAM ACCOUNT

Amendment No. 194: Provides $511,619,000 for Public Law 480 title I direct loans as proposed by the Senate instead of $513,800,000 as proposed by the House.

Amendment No. 195: Appropriates $52,185,000 for ocean freight differential costs as proposed by the Senate instead of $57,000,000 as proposed by the House.

Amendment No. 196: Appropriates $710,087,000 for title II commodities as proposed by the Senate instead of $696,000,000 as proposed by the House. The conferees urge that up to $13,500,000 of title II funds be made available to private voluntary organizations and cooperatives as authorized in Public Law 101-624.

Amendment No. 197: Appropriates $333,594,000 for title III commodities instead of $254,959,000 as proposed by the House and $333,609,000 as proposed by the Senate.

Amendment No. 198: Appropriates $388,319,000 for the cost of direct loans as proposed by the Senate instead of $389,979,000 as proposed by the House.

Amendment No. 199: Appropriates $1,815,000 for administrative expenses necessary to carry out the Public Law 480 title I credit program instead of $1,979,000 as proposed by the House and $1,800,000 as proposed by the Senate.

PUBLIC LAW 480 DEBT RESTRUCTURING

Amendment No. 200: Deletes House language which appropriated $668,000 for Public Law 480 Debt Restructuring.

The following table reflects the conference agreement on the Public Law 480 Program:

PUBLIC LAW 480

	House bill	Senate bill	Conference agreement
Title I—Credit Sales			
Program level	($570,800,000)	($563,804,000)	($563,804,000)
Direct loans	(513,800,000)	(511,619,000)	(511,619,000)
Ocean freight differential			
Appropriation			
Ocean freight differential	57,000,000	52,185,000	52,185,000
Title II—Commodities for Disposition Abroad			
Program level	(696,000,000)	(710,087,000)	(710,087,000)
Appropriation	696,000,000	710,087,000	710,087,000
Title III—Commodity Grants			
Program level	(254,959,000)	(333,609,000)	(333,594,000)
Appropriation	254,959,000	33,609,000	333,594,000
Loan subsidies	389,979,000	388,319,000	388,319,000
Debt restructuring	668,000		
Salaries and expenses:			
General Sales Manager	1,274,000	1,242,000	1,242,000
ASCS	705,000	558,000	573,000
Subtotal	1,979,000	1,800,000	1,815,000
Total, Public law 480:			
Program level	(1,521,759,000)	(1,607,500,000)	(1,607,485,000)
Appropriation	1,400,585,000	1,486,000,000	1,486,000,000

EMERGING DEMOCRACIES EXPORT CREDIT

Amendment No. 201: Restores House language citing a Public Law and adds a United States Code citation. The House bill cited the Public Law and the Senate bill cited the United States Code and the Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

Amendment No. 202: 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 which provides "such sums as necessary" for the cost of Commodity Credit Corporation Export Loans. The House bill provided an appropriation of $155,524,000 for this purpose.

The conferees agree that all loan guarantees to be backed by CCC shall be approved by the Board of Directors of the Commodity Credit Corporation. The conferees expect further that each such guarantee shall be reported to the appropriate committees of Congress.

As a condition of agreeing to "such sums as necessary" for the subsidy cost of guaranteed loans under the Credit Reform Act as proposed by the Senate instead of $155,524,000 as proposed by the House, the conferees expect the Department to report to the Committees on Appropriations in advance prior to the House amount being exceeded.

Amendment No. 203: Appropriates $3,320,000 for administrative expenses necessary to carry out the Commodity Credit Corporation's Export Guarantee Program as proposed by the House instead of $2,465,000 as proposed by the Senate.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 204: Appropriates $7,247,000 for salaries and expenses of the Office of International Cooperation and Development as proposed by the Senate instead of $7,392,000 as proposed by the House.

The conference agreement includes $1,815,000 for the Middle-Income Countries Training Program instead of $1,745,000 as proposed by the House and $1,850,000 as proposed by the Senate. The agreement also provides $225,000 each for the Associate Professional Officers Program and for the Agri-

cultural Information Exchange with Ireland as proposed by both Houses.

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

Amendment No. 205: 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:

Restore the matter stricken by said amendment, amended to read as follows:

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: Provided, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

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 to place a limitation on funds available for the Scientific Activities Overseas Program of $1,062,000. The House bill provided a direct appropriation of $1,062,000.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 206: Appropriates $725,962,000 for the Food and Drug Administration, Salaries and Expenses as proposed by the House instead of $704,734,000 as proposed by the Senate.

The conferees are aware of the Agricultural Marketing Service's need to establish an accreditation laboratory at the Pesticide Residue Laboratory in Gulfport, Mississippi, and expect the Food and Drug Administration to cooperate and expedite assistance to the Agricultural Marketing Service to establish minimum standards, qualifications and procedures for the National Laboratory Accreditation Program.

The conferees are aware of the high priority the Food and Drug Administration has placed on resources for drugs for life-threatening diseases, and urge an aggressive posture be maintained in dealing with drugs which may benefit those individuals facing life-threatening illnesses.

Amendment No. 207: Restores House language providing that $188,858,000 of the amount appropriated for the Food and Drug Administration shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to Congress as proposed by the House. The Senate bill contained no similar provision.

The conferees provide this $188,858,000 increase above the President's budget request to assist in the safety and welfare of the country. The Office of Management and Budget and the Department of Health and Human Services routinely have not requested sufficient funds for this important agency. It is disheartening that these two agencies continue to resort to budget gimmickry by claiming fictitious user fees as part of the Food and Drug Administration's annual budget request. The conferees expect future appropriation requests to be submitted based on existing law rather than creative accounting.

Amendment No. 208: Deletes Senate language which provided that $51,490,000 shall not be available for obligation until September 30, 1992, and that an additional $45,421,000 shall be available only upon an emergency declaration by the President. The House bill contained no similar provision.

Amendment No. 209: 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 which provides that section 3 of the Saccharin Study and Labeling Act be extended until May 1, 1997 as proposed by the Senate. The House bill contained no similar provision.

BUILDINGS AND FACILITIES

Amendment No. 210: Appropriates $8,350,000 for the Food and Drug Administration, Buildings and Facilities as proposed by the Senate instead of $10,350,000 as proposed by the House. Additional funds for FDA headquarters facilities are provided in the Treasury, Postal Service, and General Government Appropriations Act, 1992.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 211: Appropriates $47,300,000 for the Commodity Futures Trading Commission as proposed by the House instead of $46,597,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

CONSULTING SERVICES

Amendment No. 212: 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 which amends House language to make permanent the provision on consulting services through procurement contracts. This provision has been in the bill since 1981.

Amendment No. 213: 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 which makes the provision on consulting services through procurement contracts apply to all funds available to the Department of Agriculture. The House language applied only to funds "under this Act."

ADVANCES TO CHIEFS OF FIELD PARTIES

Amendment No. 214: 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 which amends House language to make permanent the provision on advances to chiefs of field parties. This provision has been in the bill since 1975.

Amendment No. 215: 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 which gives authority to the Secretary of Agriculture to make advances to chiefs of field parties from all funds available to the Department of Agriculture. The House language applied only to funds "in this Act."

EXTENDED AVAILABILITY OF APPROPRIATIONS

Amendment No. 216: Restores House language which limits the extended availability of certain appropriations to those contained "in this Act."

Amendment No. 217: Deletes House language limiting the extended availability for contingency funds to $5,000,000.

Amendment No. 218: Restores House language which allows for funds for the Integrated Systems Acquisition Project to remain available until expended.

Amendment No. 219: 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 which makes the reserve fund for the Grasshopper and Mormon Cricket Control Programs available until expended.

Amendment No. 220: Deletes House language which provided that up to $10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center shall remain available until expended.

Amendment No. 221: Deletes House language which provided that funds for Scientific Activities Overseas (Foreign Currency Program) shall remain available until expended.

Amendment No. 222: 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 which makes funds for the Office of International Cooperation and Development, Middle-Income Country Training Program available until expended.

Amendment No. 223: Deletes House language limiting to $3,500,000 the amount of higher education graduate fellowship grants that would remain available until expended.

Amendment No. 224: Amends a Public Law citation as proposed by the Senate.

Amendment No. 225: Amends a U.S. Code citation as proposed by the Senate.

Amendment No. 226: Deletes House language limiting to $8,580,000 the amount of capacity building grants to certain colleges that would remain available until expended.

Amendment No. 227: 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 which provides that, hereafter, appropriations listed in section 708 are authorized to remain available until expended. The House bill contained no similar provision.

OTHER GENERAL PROVISIONS

Amendment No. 228: 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 which amends House language to make permanent the provision that allows employees of agencies of the U.S. Department of Agriculture to be used by other agencies of the U.S. Department of Agriculture without reimbursement, when they are not otherwise fully utilized. This provision has been in the bill since 1978.

Amendment No. 229: 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 which amends House language to make permanent the authority to translate publications into foreign languages. This provisions has been in the bill since 1983.

Amendment No. 230: 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 which amends House language to make permanent the exception of veterinarians from personal services contracts. This provision has been in the bill since 1985.

Amendment No. 231: 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 which amends House language to make permanent the authority to enter into two-year contracts. This provision has been in the bill since 1986.

Amendment No. 232: 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 which amends House language to make permanent the provision regarding information required on Federal contracts. This provision has been in the bill for the last several years.

Amendment No. 233: Restores House language which prohibits the Department from establishing any new office, organization or center for which funds have not been provided in advance in appropriations Acts.

Amendment No. 234: 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 which defers obligation of $70,000,000 under the Market Promotion Program until September 30, 1992. The House bill contained no similar provision.

Amendment No. 235: 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 which amends House language to make permanent the authority to reimburse employees for the cost of State licenses and certification fees.

Amendment No. 236: 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 which amends House language to make permanent the authority to pay volunteers for incidental expenses. The House language applied only to fiscal year 1992.

Amendment No. 237: 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 which amends House language to make permanent the provision regarding the sale of inventory property under regulations in effect prior to November 28, 1990.

Amendment No. 238: Restores House language which requires that priority be given to former owners and members of the immediate family when property is sold from inventory.

Amendment No. 239: 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 which adds a new section 741 to the bill requiring that loan subsidy rates shall not exceed those estimated by the Office of Management and Budget in carrying out the loan programs. The House bill contained no similar provision.

Amendment No. 240: 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 which adds a new section 742 to the bill extending the authorization of the section 515 program and of the Mutual and Self-help Housing Grants and Loan Authority for one year. Language is also included to conform the guaranteed section 502 program to the direct loan program. The House bill contained no similar provision.

Amendment No. 241: 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:

SEC. 743. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended, shall be used in a manner that differs from the Department's policies or practices in effect ton July 1, 1991.

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 Senate language which would have delayed reporting requirements on tobacco exports. The agreement also instructs the Secretary to have the Farmers Home Administration continue timely processing and approval of section 515 loans for which low-income housing credits have been allocated, according to practices that were in effect on July 1, 1991.

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:

New budget (obligational) authority, fiscal year 1991	$54,091,931,000
Budget estimates of new (obligational) authority, fiscal year 1992	52,579,946,000
House bill, fiscal year 1992	52,570,051,000
Senate bill, fiscal year 1992	53,120,030,000
Conference agreement, fiscal year 1992	52,522,621,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	−1,569,310,000
Budget estimates of new (obligational) authority, fiscal year 1992	−57,325,000
House bill, fiscal year 1992	−47,430,000
Senate bill, fiscal year 1992	−597,409,000

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
RICHARD J. DURBIN,
DAVID E. PRICE,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
VIN WEBER,
BARBARA F. VUCANOVICH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

QUENTIN N. BURDICK,
DALE BUMPERS,
TOM HARKIN,
BROCK ADAMS,
WYCHE FOWLER, Jr.,
J. ROBERT KERREY,
ROBERT C. BYRD,
THAD COCHRAN,
ROBERT W. KASTEN, JR.,
ARLEN SPECTER,
DON NICKLES,
CHRISTOPHER S. BOND,
MARK O. HATFIELD,
Managers of the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT), for today, on account of illness.

Ms. SLAUGHTER, of New York (at the request of Mr. GEPHARDT), for today, on account of funeral.

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. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. LEACH, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and to include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes each day, on October 7, 10, 15, 17, 18, 21, 24, 25, 28, and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEACH) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. BILIRAKIS.
Mr. SANTORUM.
Mr. LEACH.
Mr. CRANE.
Mr. VANDER JAGT.
Mr. GILMAN.
Mr. LIVINGSTON.
Mr. MACHTLEY.
Mr. HENRY.
Mr. ZIMMER.
Mr. EWING.
Mr. RIDGE.
Mr. RITTER.
Mr. FRANKS of Connecticut.
Mr. GALLO.
Mr. CUNNINGHAM.
Mr. BROOMFIELD.
Mr. LENT.
Mr. GINGRICH.
Mr. GEKAS in two instances.
Mr. ROTH.
Ms. SNOWE.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous matter:)

Mr. MCCLOSKEY.
Mr. RANGEL.
Mr. PAYNE of Virginia.
Mr. BONIOR.
Mrs. LOWEY of New York.
Mr. SWETT, in two instances.
Mr. PEASE.
Mr. KLECZKA.
Mr. TRAFICANT.
Mr. SERRANO.
Mr. MANTON.

Mr. MURTHA.
Mr. DINGELL.
Mr. LEVIN of Michigan.
Mr. LEVINE of California, in two instances.
Mr. HOYER.
Ms. HORN.
Mr. DELLUMS.
Mr. MATSUI.
Mr. ASPIN.
Mr. LEHMAN of Florida.
Mr. TALLON.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 110. Joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX); to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 305. Joint resolution to designate the month of October 1991 as "Country Music Month."

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 868. An act 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 in the Persian Gulf war, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes; and

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

ADJOURNMENT

Mr. HUNTER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, October 7, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2160. A letter from the Secretary of Agriculture, transmitting the fifth annual report on agricultural trade consultations with major producing countries, pursuant to 7 U.S.C. 1736r(c); to the Committee on Agriculture.

2161. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Department of Defense to adhere to uniform Federal regulations requiring the informed consent of persons participating in human medical research; to the Committee on Armed Services.

2162. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to improve foster care available overseas to the children of members of the Armed Forces; to the Committee on Armed Services.

2163. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled. "Analysis of the Home Purchase Assistance Program Moratorium," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2164. A letter from the Under Secretary of Education, transmitting a copy of the Distribution of State-Administered Education Funds, Fourteenth Annual Report; to the Committee on Education and Labor.

2165. A letter from the Administrator, Environmental Protection Agency, transmitting the Toxic Substances Control Act report for fiscal year 1989, pursuant to 15 U.S.C. 2629; to the Committee on Energy and Commerce.

2166. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 76th annual report covering its accomplishments during the fiscal year ended September 30, 1990, pursuant to 15 U.S.C. 46(f); to the Committee on Energy and Commerce.

2167. A letter from the Secretary, Department of Commerce, transmitting a draft of proposed legislation to amend title II of the Export Administration Amendments Act of 1985, as amended, to authorize appropriations for fiscal years 1992, 1993, and 1994 for Department of Commerce export promotion programs; to the Committee on Foreign Affairs.

2168. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2169. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2170. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2171. A letter from the Secretary, Department of the Interior, transmitting a draft of proposed legislation entitled, "America the Beautiful Passport Act of 1991"; to the Committee on Interior and Insular Affairs.

2172. A letter from the Acting Attorney General, Department of Justice, transmitting a copy of the Annual Report of the Attorney General of the United States; to the Committee on the Judiciary.

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. FASCELL: Committee on Foreign Affairs. H.R. 3409. A bill to prevent the proliferation of biological and chemical weapons; with amendments (Rept. 102-235, Pt. 1). Ordered to be printed.

Mr. HEFNER; Committee of Conference. Conference Report on H.R. 2426 (Rept. 102-236). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 1470. A bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing. (Rept. 102-237). Referred to the Committee of the Whole House of the State on the Union.

Mr. BERMAN: Committee of Conference. Conference Report on H.R. 1415 (Rept. No 102-238). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference Report on H.R. 2698 (Rept. No. 102-239). 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. GONZALEZ (for himself, Mr. MONTGOMERY, Mr. BARNARD, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. WYLIE, Mrs. ROUKEMA, and Mr. RIDGE):

H.R. 3483. A bill to amend title II of the Housing and Community Development Act of 1987 to make technical corrections providing for the preservation of federally assisted low-income housing, extend certain rural housing programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA:

H.R. 3484. A bill to provide for the regulation of imports of fresh cut flowers by measures in addition to existing duties; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ANDREWS of Texas:

H.R. 3485. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. SAXTON, Mr. JONES of North Carolina, Mr. STUDDS, Mr. HUGHES, Mr. HERTEL, Mr. RAVENEL, Mr. TALLON, Mr. BATEMAN, Mr. GOSS, Mr. JEFFERSON, Mr. KOLTER, Mr. HORTON, Ms. PELOSI, Mrs. BOXER, Mr. ZIMMER, and Mr. JONTZ):

H.R. 3486. A bill to amend the Marine Mammal Protection Act of 1972 to provide for examination of the health of marine mammal populations and for effective coordinated response to strandings and catastrophic events involving marine mammals; to the Committee on Merchant Marine and Fisheries.

By Mr. FRANKS of Connecticut:

H.R. 3487. A bill to amend the Internal Revenue Code of 1986 to provide for a 1-year extension of certain expiring tax provisions; to the Committee on Ways and Means.

By Mr. GALLO (for himself, Mr. DWYER of New Jersey, Mr. GUARINI, Mr. HUGHES, Mr. JEFFERSON, Mr. PAYNE of New Jersey, Mr. SAXTON, and Mr. ZIMMER):

H.R. 3488. A bill to amend the Internal Revenue Code of 1986 to permit employees to enter into new salary reduction agreements under a tax-sheltered annuity plan due to the impairment or insolvency of the issuer of the annuity contracts; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. FASCELL, Mr. ROTH, Mr. LEVINE of California, Mr. FEIGHAN, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. MURPHY, Mr. ORTON, Mr. MILLER of Washington, and Mr. HOUGHTON):

H.R. 3489. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SWIFT (for himself, Mr. MARKEY, Mr. RINALDO, and Mr. RITTER):

H.R. 3490. A bill to protect the public interest and the future development of interstate pay-per-call technology by providing for the regulation and oversight of the applications and growth of the pay-per-call industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself and Mrs. KENNELLY):

H.R. 3491. A bill to amend the Low-Level Radioactive Waste Policy Amendments Act of 1985 to remove class C waste from the low-level program, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. GILCHREST:

H.R. 3492. A bill to improve the administration of Federal permits for activities in wetlands, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. GILLMOR:

H.R. 3493. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 3494. A bill to provide for a Department of Transportation study of the impact of the depressed state of the general aviation industry on our Nation's air transportation system; to the Committee on Public Works and Transportation.

By Mr. LENT:

H.R. 3495. A bill to declare certain portions of Wappinger Creek in Dutchess County, NY, as nonnavigable waters; to the Committee on Energy and Commerce.

By Mr. LEVIN of Michigan (for himself and Mr. PEASE):

H.R. 3496. A bill to amend the Internal Revenue Code of 1986 to provide for a carryover basis of property at death and for other purposes; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. BERMAN, Mr. KOSTMAYER, and Mr. FEIGHAN):

H.R. 3497. A bill to place restrictions on United States assistance for El Salvador; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself and Mr. RITTER):

H.R. 3498. A bill amending the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 to establish research and development and joint venture authority for high temperature superconductivity electric power technologies, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MYERS of Indiana:

H.R. 3499. A bill to provide for the Commissioner of Labor Statistics to be classified as Executive Level IV, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR:

H.R. 3500. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to require increases in force within the Bureau of Apprenticeship and Training of the Department of Labor and to limit decreases in such force, and for other purposes; to the Committee on Education and Labor.

By Mr. RITTER:

H.R. 3501. A bill to amend the Federal Communications Act of 1934 to require that at least one member of the Federal Communications Commission be skilled in the engineering sciences; to the Committee on Energy and Commerce.

By Mr. SARPALIUS:

H.R. 3502. A bill to exempt small, rural communities from landfill requirements contained in regulations promulgated by the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. SCHUMER (for himself, Mr. LEACH, and Mr. STARK):

H.R. 3503: A bill to encourage the establishment and implementation of the principle of fair trade in financial services in the delivery of financial services, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

By Mr. SMITH of Oregon (for himself, Mr. AUCOIN, and Mr. DEFAZIO):

H.R. 3504. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DREIER of California:

H.R. 3505. A bill to establish conditions on United States assistance to the Soviet Union and its constituent or successor states; to the Committee on Foreign Affairs.

By Ms. SNOWE:

H.R. 3506. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Ways and Means.

By Mr. VALENTINE (for himself, Mr. BROWN, Mr. LEWIS of Florida, Mr. MINETA, Mr. PRICE, Mr. THORNTON, Mr. BOEHLERT, Mr. JONES of North Carolina, Mr. GLICKMAN, Mr. HENRY, Mr. JEFFERSON, Ms. HORN, Mr. OLVER, Mr. LANCASTER, Mr. BACCHUS, and Mr. TORRICELLI):

H.R. 3507. A bill to establish programs under the technology administration of the Department of Commerce, and elsewhere, to promote a skilled work force and U.S. industrial competitiveness; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. RICHARDSON, Mr. BRUCE, Mr. SIKORSKI, Mr. STUDDS, Mr. KOSTMAYER, Mr. SYNAR, Mr. BRYANT, and Mr. SOLARZ):

H.R. 3508. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLPE (for himself, Mr. RINALDO, Mr. ECKART, and Mr. GREEN of New York):

H.R. 3509. A bill to amend the Solid Waste Disposal Act to provide for the reduction of toxic metals in packaging; to the Committee on Energy and Commerce.

By Mr. ZIMMER (for himself, Mr. GALLO, Mr. RINALDO, and Mr. SAXTON):

H.R. 3510. A bill to direct the Administrator of the Federal Aviation Administration to modify the Expanded East Coast Plan for the purpose of reducing aviation noise in the States of New York and New Jersey, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FALEOMAVAEGA (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. ANTHONY, Mr. BENNETT, Mr. BEREUTER, Mr. BILBRAY, Mr. BROOMFIELD, Mr. BRUCE, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. COLEMAN of Texas, Mrs. COLLINS of Michigan, Mr. CRANE, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. EDWARDS of Texas, Mr. EVANS, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GIBBONS, Mr. GILMAN, Mr. GONZALEZ, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HOAGLAND, Mr. HOYER, Mr. HUNTER, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KENNEDY, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LAUGHLIN, Mr. LEWIS of Georgia, Ms. LONG, Mr. MCCLOSKEY, Mr. MCNULTY, Mr. MANTON, Mr. MAZZOLI, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mr. MURPHY, Mr. MYERS of Indiana, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of Utah, Mr. PACKARD, Mr. PARKER, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PETERSON of Florida, Mr. POSHARD, Mr. PASTOR, Mr. RANGEL, Mr. RHODES, Mr. RICHARDSON, Mr. ROSE, Mr. RUSSO, Mr. SABO, Mr. SAXTON, Mr. SCHEUER, Mr. SHARP, Mr. SIKORSKI, Mr. SKAGGS, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. STALLINGS, Mr. TAYLOR of Mississippi, Mr. TORRES, Mr. TRAXLER, Mrs. UNSOELD, Mr. VENTO, Mrs. VUCANOVICH, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, Mr. WEISS, Mr. WISE, Mr. YATRON, and Mr. YOUNG of Alaska):

H.J. Res. 342. Joint resolution to authorize and request the President to proclaim the year 1992 as the "Year of the American Indian"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER of New York (for herself, Ms. SNOWE, Mr. ALEXANDER, Mr. BUSTAMANTE, Mr. DE LA GARZA, Mr. DE LUGO, Mr. FUSTER, Mr. GONZALEZ, Mr. HOYER, Mr. KENNEDY, Mrs. KENNELLY, Mr. MARTINEZ, Mrs. MINK, Mrs. MORELLA, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE of New Jersey, Mr. RICHARDSON, Ms. ROS-LEHTINEN, Mr. ROYBAL, Mr. SERRANO, Mr. SMITH of Florida, Mr. TORRES, and Mr. TOWNS):

H.J. Res. 343. Joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Res. 236. Resolution instructing the Committee on Standards of Official Conduct to review the operation of the Bank of the Sergeant at Arms of the House of Representatives; considered and agreed to.

By Mr. FEIGHAN:

H. Res 237. Resolution regarding the crisis in Yugoslavia; to the Committee on Foreign Affairs.

By Mr. LANCASTER (for himself, Mr. PENNY, Mr. CLEMENT, Mr. PRICE, Mr. GUARINI, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. SKEEN, Mr. EMERSON, Mr. OBERSTAR, Mr. VALENTINE, Ms. NORTON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. BOUCHER, Mr. ACKERMAN, Mr. FROST, and Mr. JEFFERSON):

H. Res. 238. Resolution amending the rules of the House of Representatives to create a scholar's gallery; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. FRANKS of Connecticut.

H.R. 74: Mrs. BYRON and Mr. REED.

H.R. 187: Mr. HERTEL, Ms. NORTON, Mr. ENGEL, Mr. FORD of Michigan, Mr. SMITH of Florida, Mr. NICHOLS, Mr. FOGLIETTA, and Mr. MORAN.

H.R. 318: Mr. SHAW and Mr. TALLON.

H.R. 392: Ms. LONG.

H.R. 413: Mrs. LOWEY of New York, Mr. JAMES, Mr. DYMALLY, Mr. CONDIT, Mr. WAXMAN, and Mr. DOOLEY.

H.R. 423: Mr. DEFAZIO.

H.R. 467: Mr. CONYERS, Mr. PAYNE of Virginia, and Mr. LAROCCO.

H.R. 501: Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. MRAZEK, Mrs. UNSOELD, Mr. FROST, Mr. BERMAN, Mr. WHEAT, and Mr. JEFFERSON.

H.R. 565: Mr. NICHOLS, Mr. NATCHER, Mr. CAMPBELL of California, and Mr. COMBEST.

H.R. 643: Mr. ZIMMER.

H.R. 713: Mr. PAYNE of Virginia.

H.R. 819: Mr. FALEOMAVAEGA, Mr. EVANS, Mr. ESPY, Mr. WALSH, Mr. LANCASTER, Ms. KAPTUR, Mr. MATSUI, Mr. KOPETSKI, Mr. SERRANO, Mr. CONYERS, Mr. COLEMAN of Texas, and Mr. STOKES.

H.R. 843: Mr. KOPETSKI.

H.R. 858: Mr. SKELTON and Mr. COLEMAN of Missouri.

H.R. 860: Mr. UPTON, Mr. MINETA, Mr. PAYNE of New Jersey, Mr. LANTOS, Mr. DEFAZIO, Mr. RIGGS, Mr. STUDDS, Mr. NEAL of Massachusetts, Mr. VANDER JAGT, Mr. SMITH of Florida, Mr. MRAZEK, Mr. LANCASTER, Mr. ANNUNZIO, Mr. MURPHY, Mr. DARDEN, Mr. FASCELL, Mr. MCCURDY, Mr. RAVENEL, Mr. JOHNSON of South Dakota, Mr. BILBRAY, Mr. DORGAN of North Dakota, Mrs. BYRON, Ms. NORTON, Mr. GILLMOR, Mr. CLINGER, Mr. ATKINS, and Mr. MILLER of California.

H.R. 911: Mr. MCMILLAN of North Carolina, Mr. YOUNG of Florida, Mr. GEJDENSON, Mr. BRUCE, Mr. GUNDERSON, and Mr. BOEHNER.

H.R. 967: Mr. JOHNSON of Texas.

H.R. 997: Mr. OLIVER.

H.R. 1126: Mr. BENNETT.

H.R. 1181: Mr. NEAL of Massachusetts, Mr. PANETTA, and Mr. MARKEY.

H.R. 1186: Mr. CARR, Mr. FEIGHAN, Mr. JAMES, Mr. CALLAHAN, Mr. SANGMEISTER, Mr. HATCHER, Mr. BROWN, Mr. STEARNS, Mr. MCCOLLUM, Mr. SHUSTER, Mr. MCDADE, Mr. DURBIN, Mr. BRYANT, Ms. PELOSI, Mr. SAXTON, Mr. CAMP, Mr. SYNAR, Mrs. BOXER, Mr. WILSON, Mr. BALLENGER, Mr. IRELAND, Mr. ANDREWS of MAINE, Mr. VISCLOSKY, Mr. LENT, Mr. BERMAN, Mr. KOLBE, Mr. JACOBS, Mr. CONDIT, Mr. BARNARD, Ms. SNOWE, and Mr. JOHNSON of South Dakota.

H.R. 1244: Mrs. MINK and Mr. NEAL of Massachusetts.

H.R. 1259: Mr. CAMPBELL of Colorado, Mrs. LOWEY of New York, and Mr. HUGHES.

H.R. 1346: Mr. MRAZEK.

H.R. 1385: Mr. TAYLOR of Mississippi, Mr. OLIN, Mr. DARDEN, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. DWYER of New Jersey, Mr. GEJDENSON, Mr. COYNE, Ms. KAPTUR, Mr. JONTZ, Mr. FORD of Michigan, and Mr. SANDERS.

H.R. 1398: Mr. MORRISON.

H.R. 1400: Mr. GILCHREST.

H.R. 1422: Mr. CONYERS.

H.R. 1443: Mr. MCDERMOTT, Mr. RAVENEL, Mr. WOLPE, Mr. BEILENSON, Mrs. LOWEY of New York, Mr. RANGEL, Mr. LIPINSKI, Mr. MINETA, Mr. JOHNSON of South Dakota, Mr. BROWN, and Mr. HUTTO.

H.R. 1450: Mr. BROWN.

H.R. 1473: Mr. YOUNG of Alaska and Mr. OLIN.

H.R. 1474: Mr. PORTER, Mr. SCHIFF, Mr. HERGER, Mr. HAMMERSCHMIDT, and Mr. SPRATT.

H.R. 1483: Mr. LANCASTER.

H.R. 1495: Mr. DUNCAN.

H.R. 1503: Mr. PAYNE of New Jersey, Mrs. PATTERSON, Mr. YATES, Mr. HEFNER, Ms. SLAUGHTER of New York, Mr. CONYERS, and Mr. WILSON.

H.R. 1509: Mr. ZELIFF, Mr. CLINGER, Mr. YOUNG of Florida, Mr. RITTER, Mr. TAUZIN, Mr. WALSH, Mr. KANJORSKI, Mr. KOSTMAYER, Mr. HASTERT, Mr. FALEOMAVAEGA, Mr. BUSTAMANTE, Mr. SMITH of New Jersey, Mr. HAMMERSCHMIDT, Mr. MCCANDLESS, Mr. PETERSON of Florida, Mr. SWETT, Mr. PICKETT, Mr. EVANS, Mr. FAZIO, Mr. CUNNINGHAM, and Mr. WISE.

H.R. 1515: Mr. GALLEGLY, Mr. HERTEL, Mr. DANNEMEYER, Mr. FEIGHAN, and Mr. BURTON of Indiana.

H.R. 1522: Mr. OBERSTAR, Mr. RANGEL, Mr. TOWNS, Mr. SERRANO, and Mr. HERTEL.

H.R. 1523: Mr. HANSEN and Mr. ROHRABACHER.

H.R. 1527: Mr. BREWSTER, Mr. BUSTAMANTE, and Mr. MURPHY.

H.R. 1531: Mrs. COLLINS of Illinois, Mr. BOEHLERT, Mr. TOWNS, and Mr. HORTON.

H.R. 1593: Mr. MARTINEZ, Mr. COLEMAN of Texas, Mr. FEIGHAN, Mr. SCHEUER, Mr. MORAN, and Mr. KOSTMAYER.

H.R. 1597: Mr. ZIMMER.

H.R. 1598: Mr. HUGHES, Mr. JONTZ, Mr. VISCLOSKY, Mr. KOPETSKI, Ms. SLAUGHTER of New York, Mr. CONYERS, Mr. OBERSTAR, Mrs. LOWEY of New York, Mr. CHAPMAN, and Mr. PALLONE.

H.R. 1628: Mr. ANDREWS of New Jersey, Mr. RAVENEL, Mr. SOLOMON, Mrs. MORELLA, and Mr. FUSTER.

H.R. 1703: Mr. COX of Illinois.

H.R. 1719: Mr. ENGEL.

H.R. 1725: Mrs. LOWEY of New York and Mr. ENGEL.

H.R. 1771: Mr. DAVIS, Mrs. ROUKEMA, and Mr. WALSH.

H.R. 1969: Mr. STARK.

H.R. 1992: Mr. TRAFICANT, Mr. HATCHER, and Mr. BLAZ.

H.R. 2046: Mr. THOMAS of Wyoming.

H.R. 2075: Mr. LANCASTER, Mr. INHOFE, Mr. ROSE, Mr. KOPETSKI, Ms. PELOSI, Mr. EVANS, Mr. SERRANO, Mrs. COLLINS of Illinois, Mr. BRUCE, Mr. ROE, Mr. ACKERMAN, Mr. HORTON, Mr. DWYER of New Jersey, Mr. JOHNSTON of Florida, Mr. BACCHUS, Mr. JONTZ, Mr. DELLUMS, Mr. ZIMMER, Mrs. JOHNSON of Connecticut, Mr. FROST, Mr. TORRES, Mr. PETERSON of Florida, Mr. DOOLITTLE, Mr. ESPY, Mrs. LOWEY of New York, and Mrs. MEYERS of Kansas.

H.R. 2082: Mr. NEAL of North Carolina.

H.R. 2179: Mr. TALLON.

H.R. 2248: Mr. CAMP, Mr. QUILLEN, Mr. PALLONE, Mr. MOORHEAD, and Mr. CARDIN.

H.R. 2299: Ms. SLAUGHTER of New York and Mr. MINETA.

H.R. 2362: Mr. FISH, Mr. MOODY, and Mr. RAMSTAD.

H.R. 2374: Mr. PAYNE of New Jersey and Mr. ENGEL.

H.R. 2415: Mr. FOGLIETTA, Mr. ZIMMER, Mr. LAFALCE, Mr. JONTZ, Mr. DWYER of New Jersey, and Ms. KAPTUR.

H.R. 2452: Mr. ENGEL.

H.R. 2486: Mr. MCHUGH.

H.R. 2526: Mr. BENNETT, Mr. WEISS, and Mr. ENGEL.

H.R. 2531: Mr. STOKES and Mr. AUCOIN.

H.R. 2540: Mr. ZIMMER, Mr. WEISS, Ms. NORTON, Mr. SHAYS, Mr. JACOBS, Mr. ATKINS, Mr. OLVER, Mr. NEAL of North Carolina, Mr. HARRIS, Mr. DAVIS, Mr. SWETT, Mr. ECKART, Mr. LEWIS of Florida, and Mr. OWENS of Utah.

H.R. 2541: Mr. TOWNS, Mr. WEISS, Ms. NORTON, Mr. FISH, Mr. ATKINS, Mr. LA-ROCCO, Mr. WALSH, Mr. JACOBS, Mr. HARRIS, Mr. OLVER, Mr. NEAL of North Carolina, Mr. DAVIS, Mr. SWETT, Mr. ECKART, Mr. LEWIS of Florida, and Mr. OWENS of Utah.

H.R. 2553: Mr. MCMILLAN of North Carolina, Mr. CUNNINGHAM, Mr. FRANKS of Connecticut, Mr. EWING, Mr. EVANS, Mr. MILLER of Ohio, Mr. GRANDY, and Mr. PARKER.

H.R. 2598: Mr. RINALDO, Mr. DICKINSON, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. WILSON, Mr. RAHALL, Mr. ANDERSON, Mr. CAMPBELL of California, Mr. KOLBE, Mr. BUNNING, and Mr. NAGLE.

H.R. 2625: Mr. MARLENEE, Mrs. MEYERS of Kansas, Mr. JOHNSON of Texas, Mr. BATEMAN, Ms. SLAUGHTER of New York, and Mr. NUSSLE.

H.R. 2643: Mr. STUMP and Mr. GEREN of Texas.

H.R. 2648: Mr. OWENS of Utah, Mr. ACKERMAN, Mr. POSHARD, Mr. JONTZ, Mr. GORDON, Mr. FRANK of Massachusetts, Mr. HORTON, Mr. MRAZEK, Mr. MARTINEZ, Mr. ECKART, Mr. TORRES, Mr. FROST, Mr. SANGMEISTER, Mr. MARKEY, Mr. LEWIS of Georgia, Mr. ATKINS, Mr. OWENS of New York, Mr. FALEOMAVAEGA, Ms. NORTON, and Mr. HOCHBRUECKNER.

H.R. 2672: Mr. ANDERSON, Mr. SMITH of New Jersey, Mr. SANGMEISTER, Mr. HAYES of Louisiana, Mr. RINALDO, Mr. PAYNE of Virginia, Mr. FRANKS of Connecticut, Mr. COSTELLO, Mr. PALLONE, Mr. PETERSON of Florida, Mr. APPLEGATE, Mr. SCHIFF, Mr. WELDON, Mr. HUGHES, Mr. DUNCAN, Mr. FIELDS, Mr. CRANE, and Mr. DWYER of New Jersey.

H.R. 2678: Mr. LANCASTER, Mr. MARKEY, Mr. DELLUMS, Mr. CONYERS, and Mr. BEREUTER.

H.R. 2755: Mr. DOWNEY, Mr. SENSENBRENNER, Mr. HOAGLAND, Mrs. BOXER, and Mr. TRAFICANT.

H.R. 2763: Mr. LAROCCO, Mr. HASTERT, Mr. PORTER, Mr. KOLBE, Mr. HAMMERSCHMIDT, and Mr. OWENS of Utah.

H.R. 2766: Mr. VOLKMER.

H.R. 2779: Mr. BERMAN, Mr. OWENS of Utah, and Mr. DELLUMS.

H.R. 2781: Mr. BERMAN, Mr. OWENS of Utah, and Mr. DELLUMS.

H.R. 2797: Mr. ANDERSON, Mr. BACCHUS, Mr. ANDREWS of Maine, Mr. MCNULTY, Mrs. PATTERSON, Mr. RICHARDSON, Mr. SABO, Mr. SANDERS, and Mr. SERRANO.

H.R. 2798: Mr. PICKETT.

H.R. 2812: Mr. NEAL of Massachusetts, Mr. COX of California, Mr. TALLON, Mr. FRANK of Massachusetts, and Mr. LEHMAN of Florida.

H.R. 2872: Mr. BURTON of Indiana.

H.R. 2874: Mr. BEILENSON.

H.R. 2880: Mr. HORTON, Mr. LAROCCO, and Mrs. COLLINS of Illinois.

H.R. 2881: Mr. EDWARDS of California, Mr. PETERSON of Minnesota, and Ms. NORTON.

H.R. 2890: Mr. FASCELL, Mr. MAZZOLI, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. GAYDOS, Mr. JONES of North Carolina, and Mr. KYL.

H.R. 2923: Mr. BRUCE, Mr. TOWNS, Mr. JEFFERSON, Mr. TAUZIN, Mr. EVANS, Mr. LANCASTER, and Mr. ESPY.

H.R. 2959: Mr. TRAXLER and Mr. PAYNE of Virginia.

H.R. 3078: Mr. OLVER and Mr. EVANS.

H.R. 3081: Mr. EVANS.

H.R. 3101: Mr. FROST.

H.R. 3102: Mr. FRANK of Massachusetts, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, and Mr. DURBIN.

H.R. 3113: Mr. SISISKY and Mr. TRAFICANT.

H.R. 3130: Mr. FRANKS of Connecticut, Mr. HANSEN, Mr. WELDON, Mr. PACKARD, Mr. MCCRERY, Mr. COBLE, Mr. CAMPBELL of California, Mr. KOLBE, Mr. RIDGE, Mr. RIGGS, Mr. SANTORUM, Mr. DELAY, Mr. TAYLOR of North Carolina, Mr. WOLF, Mr. YOUNG of Florida, Mr. BOEHLERT, Mr. CALLAHAN, Mr. DOOLITTLE, Mr. DREIER of California, Mr. DUNCAN, Mr. COMBEST, Mr. CLINGER, Mr. SCHIFF, Mr. HEFLEY, Mr. HOBSON, and Mr. HORTON.

H.R. 3168: Mrs. SCHROEDER.

H.R. 3172: Ms. MOLINARI.

H.R. 3195: Mr. FAZIO and Mr. YATES.

H.R. 3206: Mr. MOORHEAD.

H.R. 3212: Mr. DANNEMEYER, Mr. DELAY, Mr. BURTON of Indiana, and Mr. BOEHNER.

H.R. 3222: Mr. GUNDERSON, Mr. COLEMAN of Texas, and Mr. BROWN.

H.R. 3250: Mr. PETERSON of Minnesota, Mr. KOSTMAYER, Mr. LANCASTER, Mr. DURBIN, Mr. NOWAK, Mr. TAYLOR of Mississippi, Mr. SCHEUER, Mr. NEAL of North Carolina, and Mr. DINGELL.

H.R. 3256: Mr. JEFFERSON, Mr. DE LUGO, Mr. TOWNS, Mr. PARKER, and Mr. MARTINEZ.

H.R. 3273: Mr. KYL, Mr. LAROCCO, Mr. DEFAZIO, Mr. VALENTINE, Mr. ROE, Mr. BACCHUS, Mr. DWYER of New Jersey, Mr. OXLEY, Mr. HUGHES, Mr. VANDER JAGT, Mr. TORRICELLI, Mr. HUTTO, Mr. ARMEY, Mr. RINALDO, Mr. GOSS, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. KANJORSKI, Mr. SIKORSKI, and Mr. PRICE.

H.R. 3281: Mr. GEREN of Texas.

H.R. 3282: Mrs. UNSOELD, Mr. LEWIS of California Mr. LANTOS, Mr. GORDON, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. COLEMAN of Texas, Mr. ANDERSON, Mr. GAYDOS, Mr. BUNNING, Mr. BONIOR, Mr. BLILEY, Mr. FOGLIETTA, Mr. CALLAHAN, Mr. CRANE, Mr. KOPETSKI, Mr. TALLON, Mrs. LOWEY of New York, Mr. HAYES of Louisiana, Mr. MURPHY, Mr. MCMILLEN of Maryland, Mr. SAXTON, and Mr. RITTER.

H.R. 3334: Mr. FROST, Mrs. SCHROEDER, and Mr. EVANS.

H.R. 3362: Mr. HOYER, Mr. FLAKE, Mr. MFUME, Mr. SAVAGE, Mr. FORD of Tennessee, Mr. DELLUMS, Mr. DYMALLY, Mr. TOWNS, Mr. ESPY, Mrs. COLLINS of Illinois, Mr. JEFFERSON, Mr. STOKES, Mr. DIXON, Mr. ROYBAL, Mr. RICHARDSON, Mrs. COLLINS of Michigan, Mr. DE LA GARZA, Mr. KILDEE, Mr. CLAY, and Mr. MARTINEZ.

H.R. 3393: Mr. DIXON and Mr. ESPY.

H.J. Res. 123: Mr. HOUGHTON, Mr. LEHMAN of Florida, Mr. GRANDY, Mr. GAYDOS, Mr. BERMAN, Mr. ROYBAL, Mr. PALLONE, Mr. HAMMERSCHMIDT, Mr. DARDEN, Mr. LANTOS, Mr. LENT, Mr. BEILENSON, Mr. CALLAHAN, Mr. HUTTO, Mr. BROOMFIELD, Mr. CARPER, Mr. ARCHER, Mr. FLAKE, and Mr. RITTER.

H.J. Res. 175: Mr. MINETA, Mr. MCHUGH, Mr. HAYES of Illinois, Mr. HYDE, Mr. SAVAGE, Mr. TALLON, Mr. TAUZIN, Mr. CARDIN, Mr. HALL of Texas, Mr. SCHAEFER, Mr. DAVIS, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. YOUNG of Florida, Mr. SPENCE, Mr. WAXMAN, Mr. ATKINS, Mr. DURBIN, Mr. MARTIN, Mr. OWENS of New York, Mr. SCHEUER, Mr. MURTHA, Mr. RAVENEL, Mr. AUCOIN, Mr. LAFALCE, Ms. OAKAR, Mr. DICKS, Mr. BUSTAMANTE, Mr. STAGGERS, Mr. MOODY, Mr. YATRON, Mr. BATEMAN, Mr. TRAFICANT, Mr. MILLER of Ohio, Mr. LEACH, Mr. WASHINGTON, Mr. LENT, Mr. COLEMAN of Texas, and Mr. HUNTER.

H.J. Res. 177: Ms. MOLINARI and Mr. WHITTEN.

H.J. Res. 239: Mr. OLVER.

H.J. Res. 261: Mrs. BENTLEY, Mr. COLEMAN of Texas, Mr. KLUG, Mr. MCCLOSKEY, Ms. NORTON, Mr. PICKLE, Mr. SAVAGE, Mr. SERRANO, Mr. TANNER, Mr. FAWELL, Mr. MURPHY, Mr. SCHEUER, and Mr. TORRICELLI.

H.J. Res. 273: Mr. YOUNG of Florida and Mr. HUGHES.

H.J. Res. 280: Mr. FORD of Michigan, Mr. ANDREWS of Maine, Ms. NORTON, Mr. KOPETSKI, Mr. FISH, Mr. ACKERMAN, Mr. APPLEGATE, Mr. AUCOIN, Mr. BACCHUS, Mr. BATEMAN, Mrs. BENTLEY, Mr. BONIOR, Mr. BREWSTER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CLINGER, Mrs. COLLINS of Michigan, Mr. COOPER, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DOOLITTLE, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FRANKS of Connecticut, Mr. HAYES OF LOUISIANA, Mr. HOYER, Mr. HUCKABY, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. MCMILLAN of North Carolina, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MORAN, Mr. PARKER, Mrs. PATTERSON, Mr. RITTER, Mr. ROE, Mr. SCHEUER, Mr. SISISKY, Mr. SLATTERY, Mr. SMITH of Florida, Mr. TOWNS, Mrs. UNSOELD, and Mr. WILSON.

H.J. Res. 284: Mr. OLVER, Mr. BLILEY, Mr. SISISKY, Mr. RAMSTAD, Mr. PACKARD, Mr. STEARNS, Mr. PETERSON of Minnesota, Mr. ROBERTS, Mr. RIGGS, Mr. HOUGHTON, Mr. GEREN of Texas, Mr. HYDE, Mr. WYDEN, Mr. WILSON, Mr. GUNDERSON, Mr. SAWYER, Mr. DUNCAN, Mr. ATKINS, Mr. GINGRICH, Mr. GEKAS, Mr. HANSEN, Mrs. BYRON, Mr. MACHTLEY, and Mr. HALL of Ohio.

H.J. Res. 288: Mr. ENGEL.

H.J. Res. 300: Mr. LIPINSKI, Mr. MCDERMOTT, Mr. WELDON, Mr. MINETA, Mr. BROWN, Mr. HARRIS, Mr. CONYERS, Mr. DEFAZIO, and Mr. GEKAS.

H.J. Res. 302: Mr. ATKINS.

H.J. Res. 316: Mrs. BOXER.

H.J. Res. 318: Mr. AUCOIN, Mrs. KENNELLY, Mr. FALEOMAVAEGA, Mr. SKEEN, Mr. JEFFERSON, Mr. MFUME, Mr. RANGEL, Mr. ROE, Mr. EMERSON, Mr. STARK, Mr. LAFALCE, Mr. FROST, Mr. WEISS, Mr. DORNAN of California, Mr. LANCASTER, and Mr. SMITH of Florida.

H.J. Res. 321: Mr. AUCOIN, Mr. BEVILL, Mr. CALLAHAN, Mr. CARDIN, Mr. CARR, Mr. COLEMAN of Texas, Mr. COSTELLO, Mr. DEFAZIO, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FAZIO, Mr. FASCELL, Mr. JEFFERSON, Ms. LONG, Mr. MCCLOSKEY, Mr. MANTON, Mr. MARTIN, Mrs. MORELLA, Ms. OAKAR, Mr. OBERSTAR, Mr. PALLONE, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. WEISS, and Mr. EMERSON.

H. Con. Res. 188: Mrs. KENNELLY, Mr. COOPER, Mr. GREEN of New York, Ms. MOLINARI, Mr. OBEY, Mr. MAVROULES, Mr. MACHTLEY, and Mr. DE LUGO.

H. Con. Res. 208: Mr. QUILLEN, Mr. DERRICK, Mr. FRANK of Massachusetts, Mr. BILBRAY, Mr. RUSSO, Mr. TAYLOR of Mississippi, Ms. SNOWE, Mr. ESPY, Mr. COYNE, Mr. FAWELL, Mr. HAYES of Illinois, Mr. FEIGHAN, and Mr. CLEMENT.

H. Res. 115: Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. MATSUI, Mr. BEVILL, and Mrs. MINK.

H. Res. 204: Ms. MOLINARI and Mr. HAMMERSCHMIDT.

H. Res. 234: Mr. HANCOCK, Mr. MCNULTY, Mr. HENRY, Mr. CHANDLER, and Mr. LIPINSKI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mr. KOLBE.

H. Res. 194: Mr. HOCHBRUECKNER.

EXTENSIONS OF REMARKS

THE HIGH TEMPERATURE SUPERCONDUCTIVITY ELECTRIC POWER SYSTEMS ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MARKEY. Mr. Speaker, today, I join with Representative DON RITTER to introduce the High Temperature Superconductivity Electric Power Systems Act of 1991. This timely legislation would promote energy efficiency by carrying out a program of research and development and joint ventures for high temperature superconductivity electric power technologies.

First, I would like to state that this legislation is the product of long-term study and consideration in which my distinguished colleague, Mr. RITTER, has been an active participant, as well as many Government agencies, universities, and private industry. One result of these efforts, and largely due to Mr. RITTER was a report on high temperature superconductivity mandated in the Omnibus Trade and Competitiveness Act of 1988. The executive summary of the report articulates the pressing need for the United States to embark on research and development for high temperature superconductivity energy applications. Similarly, every national critical technology list includes this important technology. There is a clear record which establishes that high temperature superconductivity energy applications should be a part of the long-term goals of the national energy strategy.

Within the next 20 years the United States will need to invest an estimated $4 trillion into the existing electric public utilities infrastucture to replace antiquated technology and improve efficiency to meet the rising demands of the United States. These demands will also have to be met under severe environmental constraints such as urban crowding. If the United States is to meet this challenge, we need to invest in the research and development, the precommercialization of efficient energy systems technologies. High temperature superconductivity [HTS] is one such technology—initial estimates of a HTS electric power system show that energy losses could be reduced by as much as 33 percent or $12 billion per year using transmission lines and generators alone. These savings would translate into significantly lower costs for American consumers, businesses, and industry; additionally, HTS is a clean energy technology which would improve the accessibility of other environmentally sound renewable energy resources such as wind, solar, and photovoltaics. In sum, HTS electric energy applications would enhance energy security and result in a reduction of pollution like acid rain, nuclear wastes and other toxics.

The concept of HTS technology is relatively basic: certain ceramic materials lose all resistance to electricity at low temperatures. Recent scientific breakthroughs have overcome the major technical difficulties of HTS and have created a wave of support within the energy community.

According to a report by the Electric Power Research Institute, our electric power transmission lines are not far from copper wires hanging from pine trees. A high temperature superconducting electric transmission line would be able to transmit over 100 times the amount of a copper wire without losses. This quality makes HTS transmission lines ideal for heavily populated urban areas where space is limited and the demand is high. In addition, high powered compact HTS electric generators and motors have enormous energy efficiency potential and offer attractive space saving possibilities. Because HTS technology allows electricity to conduct without resistance, motors would use sizably less electricity and; generators would expend less energy, while producing larger yields. HTS magnetic energy storage rings also have tremendous energy efficiency potential. These rings would be able to store electricity during off-peak hours for later use in high-peak hours. This electric load management tactic would generate both monetary and energy gains. High temperature superconductivity electric systems will be one of the major elements of the next generation efficient and environmentally sound energy technologies.

The HTS Electric Power Systems Act would charter the course for the United States research and development, and precommercialization of HTS electric power technologies. The HTS energy applications market is already a highly competitive sector in which our opponents are our leading economic rivals, including Japan and Germany. There are already 20 companies in Japan developing advanced superconductors for energy applications. Last year the Department of Commerce reported that the United States is about even with Japan in the race to commercialize superconductors, but will lose badly if current trends continues. The United States invests approximately 70 percent of it's high temperature superconductively funds in defense related research and development; while Japan invests 99 percent of the equivalent amount on precommercial development and new materials research. This ratio clearly illustrates that if the United States is to avoid what has become known as the trilogy of terror—invented in the United States, developed in Germany, and made in Japan—we need to take immediate action.

If the United States is to capture this burgeoning market which has been estimated to reach $3 to $5 billion in the United States within the decade, we must build a solid foundation today. There are two essential activities that the United States must concentrate on to win the race: intensive research and development, and the precommercialization of HTS energy systems technologies. Our legislation would authorize the Secretary of Energy to carry out a program to develop the major elements of a HTS electric energy system including transmission lines, generators, and magnetic storage rings. Moreover, the HTS Electric Power Systems Act empowers the Secretary of Energy to facilitate the precommercialization phase of HTS electric energy technologies. The precommercialization phase of HTS energy applications is particularly important because it ensures that the United States maintain a stronghold in the development of the underlying technology which is essential to the future of a U.S. domestic manufacturing base. Our legislation also authorizes at least one joint venture program to encourage cooperation between the nationals labs, industry, and universities to develop commercial HTS energy applications. The United States has dropped the ball at this critical stage more times than we like to acknowledge—small electronics and televisions in the 1970's, VCRs in the 1980's—we can not allow HTS electric equipment to be the next victim. Thus, it is crucial for both the public and private sectors to collaborate on HTS electric energy systems technologies to ensure that the United States is the first to implement this energy system of the future.

HTS electric energy applications hold the promise of revolutionizing the electric energy systems sector bringing new levels of efficiency and environmental gains to the generation, delivery and storage of electric energy in the United States. I urge my colleagues to join Mr. RITTER and myself in supporting this vital legislation.

THE HIGH TEMPERATURE SUPERCONDUCTIVITY ELECTRIC POWER SYSTEMS ACT OF 1991

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RITTER. Mr. Speaker, I rise to join my distinguished colleague from Massachusetts as an original sponsor and co-author of the High Temperature Superconductivity Electric Power Systems Act of 1991. I am pleased to have contributed to this legislation, which would focus America's efforts in high temperature superconductivity.

Since October, 1986, when scientists discovered a ceramic compound that exhibited superconducting properties at higher temperatures than ever before, I have been a strong proponent of a Federal effort in high temperature superconductivity [HTS] research and development. Superconductivity is a special attribute of materials. In a superconducting wire,

an electric current can flow forever without any resistance or loss of energy.

In 1987, I introduced the first legislation to establish a coordinated Federal role in promoting superconductivity research and development, which eventually was signed into law as the Ritter-McCurdy National Superconductivity and Competitiveness Act of 1988. That legislation recognized the need for directed, coordinated Federal support over the 5 to 10 years needed for successful commercialization of HTS technology, setting forth a 5-year blueprint that Federal agencies are now following.

The bill we introduce today would build upon that effort, by amending the Renewable Energy and Energy Efficiency Act to provide for joint ventures in HTS technology, with cost-sharing by private sector. The Markey-Ritter legislation is similar to language offered in the Senate by Senator BINGAMAN and incorporated in S. 1220, the Johnston-Wallop energy plan.

The use of the new high-temperature superconductors in energy systems, including motors, generators, cables, and energy storage devices, could significantly improve electrical efficiency. In turn, this could result in reductions in the amount of electricity we consume, and significant cost savings to the producers and consumers of electricity across the nation.

Researchers in the field of high temperature superconductors are rapidly solving the considerable technological hurdles that once stood between the laboratory and the marketplace. With support from the Federal Government, fabrication of reliable, efficient superconductors may become a reality in the near term.

The potential benefits of the new technology are enormous. Industrial motors alone consume nearly 65 percent of the electricity used nationwide. According to one estimate, high temperature superconductors which increase the efficiency of electric motors by 5 percent would save over 100 million barrels of oil per year.

If reliable ceramic cables could be made to carry high currents, superconducting power transmission could help avert much of the $8.75 billion—in 1985 dollars—which the U.S. loses each year in transmitting electricity. Robert Jaffe of the Electric Power Research Institute in Palo Alto, CA, has estimated that superconducting power lines might eventually save $5 billion per year.

That would make the R&D investment called for in our bill a sound investment in our energy future. I urge my colleagues to support the Markey-Ritter legislation, and I commend the gentleman from Massachusetts for his foresight in the development of this legislation. I look forward to working with Mr. MARKEY as the bill makes its way through the legislative process.

GERMAN-AMERICAN DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize the fact that more than 300 years ago, the first group of German settlers arrived in America. They sought to build a new life for themselves and in so doing, began a tradition of helping to build a better America for everyone.

I would like to pay tribute to our Nation's German-Americans as we look forward to celebrating German-American Day this weekend, on October 6. For more than 3 centuries, their contributions to America's growth and world standing have ranked among the greatest of any people's.

It is significant that we note for the record the accomplishments of German-Americans today, for 1 year ago on this date—October 3—West and East Germany were reunified into one nation, thus marking the beginning of the end of the cold war. The Berlin Wall was torn down, and with it one of the most stark and brutal reminders of the oppression that had haunted Europe and the world since the end of World War II.

Today, Germany looks with eagerness to a future bright with promise and vibrant with productivity, even as we look fondly to its past that has sent us so many of our most prominent citizens.

On October 6, 1683, after a 75-day Atlantic crossing aboard the vessel *Concord*, 13 Germans led by a young Franconian lawyer, Franz Daniel Pastorius, made a settlement at what is now called Germantown in Philadelphia. As part of William Penn's holy experiment, they were fleeing European religious persecution.

It didn't take them long to initiate their own experiment in steadfast industriousness. Within the year, they had harvested their first crop of flax, erected looms and spinning wheels and were conducting business in Philadelphia. This diligence and dedication to craftsmanship has been a hallmark of the German-American people to this very day.

The rollcall of honored German-Americans is a vocal testament to this fact. These men and women have contributed right across the spectrum in art, literature, industry, science, and politics among others. Names such as Levi Strauss, Albert Einstein, Marlene Dietrich, Babe Ruth, H.L. Mencken, Henry Kissinger, and Thomas Mann need no explanation of their importance to our society and our history.

They helped shape, not only America, but the world as we know it and as generations to come will continue to know it. Today, German-Americans continue to work actively to strengthen the bonds of friendship and progress between the United States and Germany.

Mr. Speaker, as the Representative of Florida's Ninth District, home to a large and active German-American community, I can testify to the many civic, cultural, scientific, and business contributions of this special group of Americans. Therefore, I am pleased and privileged to have this opportunity to pay tribute today to this tradition of service.

TRIBUTE TO WISCONSIN MANUFACTURER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. KLECZKA. Mr. Speaker, today I am pleased to bring to the attention of my colleagues the 90th anniversary of MagneTek Louis Allis, a manufacturing firm operating in my hometown of Milwaukee.

The firm's longevity is a tribute not only to its competitive achievements, but to its contribution to our Nation in helping build a strong industrial base, which led us through two World Wars and on toward economic expansion.

Through the years, MagneTek Louis Allis has compiled an impressive list of manufacturing innovations in the categories of specialized motors and electric generators. Among the firm's numerous innovations are cement mill and rapid reversing motors, and submarine outboard motors. In fact, during World War II, the firm was the first electric motor producer to receive the U.S. Navy's prized "E" award for excellence in production, as well as the coveted Fifth Star award for continuous outstanding contribution to the war effort. Today, every U.S. naval submarine is equipped with a MagneTek Louis Allis generator.

Mr. Speaker, manufacturing has been the backbone of U.S. economic strength throughout the 20th century. The Milwaukee area has historically been a critical part of the industrial base, and MagneTek Louis Allis, founded in 1901, has been there since it all began. The firm has a rich history of accomplishments, and I have only outlined a few of its achievements.

Let us wish them the best for continued strong performance, and look forward to seeing MagneTek Louis Allis motors and generators power our Nation's economic engine for the next 90 years.

TRIBUTE TO MILTON HOFFMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ENGEL. Mr. Speaker, I wish to pay tribute to a man who has accomplished a feat which few others in his field would even attempt. This month, Milton Hoffman is celebrating 40 years of employment with the same news organization, the Gannett Suburban Newspaper group.

Through four decades of reporting and editing, Milt has developed into the undisputed dean of the local press corps. In his current role as editorial page editor, he helps shape the opinions of the most respected news organization in the region.

Every important politician and community leader in Westchester County has seen Milt roaming the halls of the county office building, asking the tough questions at the right time. Each of them, in turn, rushes directly to Hoffman's columns to read what he and other in-

siders have to say about the issues of the day. Often, Milt's writings have a profound effect on policymakers and, therefore, an impact on the quality of life in the area. It is the American tradition of the fourth estate carried out in all its glory.

As Milton Hoffman enters his fifth decade of journalism, I extend on behalf of my constituents—his readers—hearty congratulations and best wishes for the future.

INTRODUCTION OF THE SMALL BUSINESS JOBS AND TAX BENEFIT ACT OF 1991

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, earlier today, I introduced the Small Business Jobs and Tax Benefits Act of 1991. After recent disucssions over the extension of unemployment compensation benefits, I believe it is time to move to discussions about ways to improve the economic climate for businesses. Small businesses are the fastest growing sector of the labor market. A healthy business climate will lead to better employment opportunities for all Americans.

The Small Business Jobs and Tax Benefits Act is a package of benefits which are crucial to small businesses across the Nation. The legislation would extend for 1 year five tax benefits which are critical to the health and growth of small businesses. Without any action by Congress, these tax benefits will expire at the end of this year and small businesses will face a tougher business climate. These benefits will allow small businesses to utilize tax benefits which have allowed them to promote continued education and training, allow the self-employed to afford basic health care coverage and ensure that small businesses continue to have another option in accessing capital for increased growth, research, and development.

These tax benefits are set to expire December 31, 1991. Last year they were part of the 11 popular tax credits that were extended through last year's budget package. There have been discussions about making these benefits permanent, an idea which I support. However, until the discussions have been resolved, I believe that they must not expire and that Congress should extend them another year. An additional year would allow businesses transition time for budgeting without these heavily used benefits.

Specifically, this bill would extend through December 31, 1992 the research and development tax credit, the targeted jobs tax credit, the employer provided educational benefits, the tax exemption of small issue bonds and the health insurance deduction for self-employed.

The extension of these tax benefits are essential to the growth of small businesses across the country, their expiration would deal a severe blow to the small business community. I urge my colleagues to work toward the adoption of the Small Business Jobs and Tax Benefits Act of 1991.

At this point in the RECORD, I have submitted a more detailed explanation of the taxes to be extended in this bill:

SMALL BUSINESS JOBS AND TAX BENEFITS ACT OF 1991

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Jobs and Tax Benefits Act of 1991".

SEC. 2. RESEARCH CREDIT.

(a) IN GENERAL.—Subsection (h) of section 41 of the Internal Revenue Code of 1986 (relation to termination) is amended—

(1) by striking "December 31, 1991" each place it appears and inserting "December 31, 1992", and

(2) by striking "January 1, 1992" each place it appears and inserting "January 1, 1993".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 28(b)(1) of such Code (relating to qualified clinical testing expenses) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 3. TARGETED JOBS CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 51(c) of the Internal Revenue Code in 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 1991.

SEC. 4. EMPLOYER-PROVIDED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Subsection (d) of section 127 of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 5. QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 1991.

SEC. 6. HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (6) of section 162(1) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 1991" and inserting "December 31, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

THE SECOND SHOT HEARD 'ROUND THE WORLD

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. IRELAND. Mr. Speaker, on a beautiful fall afternoon (yes, I said afternoon—that's when they played baseball in the daylight, as it should be) 40 years ago today Bobby Thomson of the New York Giants hit a home run off of Ralph Branca of the Brooklyn Dodgers to win the National League Pennant. The Giants had trailed the Dodgers by 13-and-a-half games in mid-August. The Giants rallied and finished the season in a tie with the Dodgers which set up a three-game playoff series. Many people have forgotten that Bobby Thomson hit a two-run homer off Branca to help the Giants win the first game 3 to 1. The Dodgers crushed the Giants in game two, ten to nothing. Behind the great Don Newcombe, the Dodgers took a 4 to 1 lead into the bottom of the ninth inning in game three of the playoffs. The Giants rallied and Bobby Thomson ended the game by hitting one of baseball's historic home runs. Moments like these are the reason that baseball is our national pastime.

In today's edition of USA Today Erik Brady has two wonderful articles about this great baseball moment and about the two central figures, Bobby Thomson and Ralph Branca. Mr. Speaker, I will now also include in the RECORD these two excellent articles for the information of the other Members.

LEGENDARY HOMER LINKS PAST, PRESENT

(By Erik Brady)

Once upon a time, Bobby Thomson and Ralph Branca were enemies. And their hostility was never more real than at one precise moment 40 years ago today.

The place: New York's Polo Grounds. The score: Branca's Brooklyn Dodgers led Thomson's New York Giants 4–2. The situation: One out, two men on in the bottom of the ninth inning. The stakes: 1951's National League pennant.

Branca fired a fastball . . . Thomson swung mightily . . the ball flew into the left-field stands . . . Giants 5, Dodgers 4.

The rest, as they say, is history. Only in this case it's more—it's also theatrical legend and belated camaraderie. History linked their names. Commerce made them friends.

Thomson and Branca appear now at half a dozen card shows each year, signing their names on bats and balls and old photographs. Lately they've been making the rounds of talk shows in New York and Washington, selling LeRoy Neiman prints of their shared moment of glory/infamy.

"I hated him then," says Branca. "He was a Giant."

"We're friends now," says Thomson. "We talk a lot."

"We don't have a choice," says Branca. "We're always coordinating schedules."

"The card shows," says Thomson, "want both of us."

Of course they do. One rarely thinks of one without the other anymore. They are the ying and yang of what is arguably baseball's most memorable moment: Thomson as hero, a giant among Giants; Branca as victim, the nonartful Dodger.

It is always the same. Fans, reporters, autograph seekers—everyone asks the same questions. And the old pros give the same answers—patiently, graciously, cheerfully.

"I think I could give Ralph's answers and Ralph could give mine," says Thomson. "Don't you think so, Ralph?"

"I could've given that one," says Branca. They both laugh. They've become a vaudeville act now: Bobby and Ralph—raconteurs, good sports, symbols of a simpler time.

They are completely comfortable in each other's company. They are of the same generation (Thompson is 67, Branca 65), region (Thomson lives in New Jersey, Branca in New York, about a 90-minute drive apart) and profession (both are businessmen, Thomson in paper products and Branca in pen-

sions). They share a common past (baseball in the 1940's and '50s), family life (both proud grandfathers) and political views (conservative).

They served as co-chairmen of Athletes for Nixon in 1972. Watergate still bugs them. "That was so dumb," says Branca of the break-in. "Like having an 18-nothing lead and throwing at the batter's head."

Branca shakes his head. Lost presidencies, lost pennants. Regrets, he's had a few, but Ralph Branca, like Frank Sinatra, says too few to mention.

"People always ask if I had one wish, would I take that pitch back," he says. "And I wouldn't. If there's one thing I could change it would be my injury. It's not the pitch that bothers me. It's that I never got to make up for it."

Branca fell from a chair in 1952 and hurt his back. He played a few more years but was never the same. The promising pitcher who won 21 games at age 21 finished his career at a respectable 88–68.

Thomson, a lifetime .270 hitter who was a star in the late 1940s and early 1950s, lost some of his luster later. Thomson was traded from team to team and might now be remembered as a journeyman, were it not for that one stirring journey around the bases.

You've probably seen black-and-white film of his home run: the cat-quick swing, the little skip as he approached first base, the two-footed jump onto home plate. And you've probably heard the near-hysterical call of broadcaster Russ Hodges. "The Giants win the pennant" he shouted four times.

Roger Angell of The New Yorker calls that moment baseball's "grand exclamation point." Tradition calls it something else—the shot heard 'round the world.

It wasn't really that, of course. The names Thomson and Branca mean little in Lithuania, say, or even Scotland, where Thomson was born.

But echoes of that shot still can be heard around North America 40 years after the fact. And isn't that the most remarkable thing of all?

"It is to me," says Thomson. "I did a book fair not long ago, and everyone who came up, the ones who were old enough, told me exactly where they were when it happened. I guess until then I didn't know what this meant to people."

He knew what it meant at the time. The Giants win the pennant. What he did not know, could not know, is what it would mean 40 years later.

Branca didn't either. The ordeal was tough enough then without seeing 40 years into the future. "Murderers, they get a life sentence and they get parole in 20 years," he says. "Me? I never get parole. Until they lay me in the pine box, I'm never allowed to forget."

There is no trace of bitterness in his voice. There is a smile on his face. But his eyes—sad, like a bloodhound's—betray some sorrow even now.

Why put himself through it? Why endure the interviews and card shows designed to remind him of the one moment he'd surely rather forget? Another kind of guy would not want to show up across the land with the man who knocked his pitch out of the park. Another kind of guy would tire of playing second banana to history's hero.

Branca shrugs. "I'm not that guy," he says.

Thomson is a humble man who still moves with an athlete's grace. Branca is a gregarious man who tells mildly off-color jokes. They often golf together. And there is some justice—Branca usually wins.

Neither one guessed they might one day be friends. There was a time when nothing seemed more preposterous. The Giants and Dodgers hated one another. Thomson remembers being traded to the Milwaukee Braves and seeing his teammates chat with the Dodgers by the batting cage.

"I couldn't believe it," he says. "The Giants would have never done that. We didn't talk to the Dodgers. We *hated* 'em."

Thomson slaps Branca's back. The irony is not lost on either of them. They spend more time with each other now than with their old teammates.

And why wouldn't they like each other? Who wouldn't like either one? These guys are so eminently likable you are pleased to meet them. You feel glad—grateful, even—that the principals of baseball's grand exclamation point are such hail fellows well met.

"Pals?" says Thomson, smiling. "I can't stand the guy."

"I hate him, too," says Branca, sad eyes twinkling.

These are shots heard 'round the room, underscored by affectionate laughter.

THOMSON SURPRISED FEAT HAS BECOME STUFF OF LEGEND

(By Erik Brady)

At a bit before 4 this afternoon it'll be 40 years since Bobby Thomson's home run won the 1951 National League pennant for the New York Giants against the Brooklyn Dodgers.

"I never imagined it would be talked about 40 years later," says Thomson. "We had to play the New York Yankees in the World Series the next day."

The Yankees won the Series in six games. But the more amazing story is not what happened after Thomson's homer, but what happened before it.

The Dodgers led the Giants by 13½ games Aug. 11, but the Giants caught the Dodgers to set up a three-game playoff.

The Giants won Game 1, 3–1. Thomson hit a two-run homer off Dodgers pitcher Ralph Branca. Funny how foreshadowing can happen in life as well as novels.

The Dodgers won Game 2 10–0 and they led 4–1 in Game 3 as the Giants came to bat in the bottom of the ninth.

"(Dodger pitcher Don) Newcombe was cruising and, frankly, I thought we were dead," says Thomson. "But then we started getting hits."

Alvin Dark singled, Don Mueller singled Dark to third. Monte Irvin popped up. One out. Whitely Lockman doubled down the left-field line, scoring Dark and moving Mueller to third.

Mueller pulled a tendon rounding third. Thomson went to see about his fallen friend. Meanwhile, Branca came in from the bullpen to relieve Newcombe.

"The injury to Mueller broke the tension for me," says Thomson. "I watched as they carried him off on stretcher. Until I got back to the plate, I didn't even notice that they'd brought this guy in." What was Thomson thinking? "I wanted to hit the ball hard," he says. "That's all. I wasn't thinking home run."

The first pitch zipped fast across the middle. Strike one.

"I would have felt bad if he hit that one," says Branca.

Branca wanted the next pitch out of the strike zone, high and tight. He was setting Thomson up for a curve down and away—the third pitch that never came.

"I didn't get it inside far enough," he says. "It needed to be three more inches inside."

Up to the last pitch the scenario was similar to *Casey at the Bat*—men on second and third in the bottom of the ninth inning with the home team trailing by two runs.

Call this one *Bobby at the Bat*. Thomson struck the homer Casey never did. And this time, there was joy in Mudville, just none in Brooklyn.

What was this latter-day Casey thinking as he rounded the bases on air, poetry in motion?

"I was hyperventilating," says Thomson sheepishly. "I was having trouble breathing, if you can believe that."

SOLID WASTE METALS REDUCTION ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. WOLPE. Mr. Speaker, today I am joined by my colleagues Mr. ECKART, Mr. RINALDO, and Mr. GREEN in introducing the Solid Waste Metals Reduction Act. This bill would require the reduction and ultimate elimination from packing materials four toxic heavy metals; lead, cadmium, mercury, and hexavalent chromium. The bill is similar to legislation developed by the Coalition of Northeastern Governors [CONEG] and has already been enacted into law in the 10 States of Maine, Vermont, New Hampshire, Rhode Island, Connecticut, New York, Iowa, Wisconsin, Minnesota, and Washington.

Solid waste management is a major concern of government, environmentalists and industry alike. Past landfilling practices have caused serious threats to public health and the environment. Almost 200 old landfills are on EPA's Superfund list of the Nation's most hazardous waste sites, and incineration poses environmental problems of its own. The actual and potential hazards associated with landfills and incinerators are stalling the location of new disposal sites. Moreover, the costs to industry of waste treatment and cleanup have become staggering. Given all of these factors, it is only reasonable to conclude that the most desirable solid waste initiative is to reduce, as much as possible, the amount of waste produced in the first place.

These source reduction efforts must include the reduction of the toxicity of the waste stream. In the case of heavy metal contamination of solid waste, which we are addressing with this bill, the threat to health and safety is self-evident. Heavy metal contamination from incineration ash and from landfill leachate is poisoning our environment. Lead, mercury, cadmium, and hexavalent chromium, which are currently used in packaging materials, are among the chief offenders. They are responsible for nervous system damage, mental retardation, and cancer. Leachate from landfills can and does poison our drinking and surface water, and incineration emissions poison the air we breathe. With the removal of these four toxic heavy metals from packaging materials, which comprise nearly 30 percent of the municipal solid waste stream, we have an unprecedented opportunity to prevent this toxic contamination of our environment at its source.

Mr. Speaker, not only do we have a compelling incentive to reduce these heavy metals from packaging materials, we also have the technology. Industry informs us that, in most cases, these contaminants can easily be replaced by harmless substitutes. While industry has begun efforts to reduce these contaminants voluntarily, this legislation will reinforce and accelerate industry's effort to find and implement alternatives. Let this legislation inspire industry, government and environmental groups to work together to find and implement feasible and cost-effective alternatives.

In pursuit of this goal, the bill we are introducing today would prohibit the intentional addition of these substances 2 years after enactment. In addition, instances in which these metals occur incidentally—for example, in residues on printing presses or naturally-occurring amounts in tin—would be gradually phased out to 600 ppm in 2 years, 250 ppm in 3 years and 100 ppm in 4 years. It would allow exemptions for packages made from recycled materials and packages for which no feasible alternative is available. Cases where the metals are required to comply with Federal safety law or are essential for the protection and safe handling or function of the package's contents, would fit the as feasible alternative exemption.

The legislation would further require that manufacturers, suppliers and distributors of packages retain and present certificates of compliance. Finally, the bill would require the EPA to report on the effectiveness of the legislation and whether or not other materials should be prohibited from being used in packaging.

Mr. Speaker, our bill enjoys a broad base of support from industry, State governments, and environmentalists. Passage of this bill will facilitate one of the few, but hopefully ever-increasing, opportunities to promote successful cooperation among these groups. Let us demonstrate how we can work together to seek reasonable and cost-effective alternatives to reduce toxic waste.

I urge my colleagues to support this legislation.

I insert the Solid Waste Metals Reduction Act in the RECORD.

H.R. —

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 "Solid Waste Metals Reduction Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The management of solid waste can pose a wide range of hazards to public health and safety and to the environment.

(2) Packaging comprises a significant percentage of the overall solid waste stream.

(3) Packaging that contains heavy metals is of special concern, because the metals are likely to be present in emissions or ash that may be produced when the packaging is incinerated or in leachate that may be produced when the packaging is disposed of in a landfill.

(4) Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are known to cause harmful effects on human health and the environment.

(5) To reduce the toxicity of emissions, ash, and leachate, it is necessary as a first step to eliminate the addition of lead, mercury, cadmium, and hexavalent chromium to packaging.

(6) The purpose of this Act is to achieve such a reduction in toxicity without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components.

SEC. 3. TOXIC METALS IN PACKAGING.

(a) AMENDMENT TO SOLID WASTE DISPOSAL ACT.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by adding at the end the following new subtitle:

Subtitle K—Toxic Metals in Packaging

"SEC. 12001. DEFINITIONS.

"As used in this subtitle:

"(1) The term 'package' means a container that provides a means of protecting or handling a product, including a unit package, an intermediate package, a shipping container, and unsealed receptacles, as defined by the American Society for Testing and Materials under 1987 designation D996. The term includes containers that provide a means of marketing a product, and receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"(2) The term 'packaging component' means any individual assembled part of a package, including interior or exterior blocking, bracing, cushioning, weatherproofing, strapping, closures, labels, and tinplated steel that meets the American Society for Testing and Materials 1987 specification A623, or any additive to a package, including coatings, inks, dyes, pigments, adhesives, and stabilizers.

"(3) The term 'distributor' means a person who takes title to goods purchased from a manufacturer or supplier for sale or promotional use.

"SEC. 12002. PROHIBITIONS ON CERTAIN HEAVY METALS IN PACKAGING.

"(a) PROHIBITION ON ADDITION OF METALS DURING MANUFACTURING OR DISTRIBUTION.—Except as provided in section 12003, effective 2 years after the date of the enactment of the Solid Waste Metals Reduction Act, no person may intentionally introduce lead, cadmium, mercury, or hexavalent chromium to a package or packaging component during manufacturing or distribution.

"(b) MAXIMUM CONCENTRATION LEVELS.—The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component may not exceed the following:

"(1) Effective 2 years after the date of the enactment of Solid Waste Metals Reduction Act, 600 parts per million by weight (0.06 percent).

"(2) Effective 3 years after the date of the enactment of such Act, 250 parts per million by weight (0.025 percent).

"(3) Effective 4 years after the date of the enactment of such Act, 100 parts per million by weight (0.01 percent).

SEC. 12003. EXEMPTIONS.

"(a) EXEMPT PACKAGES AND PACKAGING COMPONENTS.—Section 12002 does not apply to the following packages and packaging components:

"(1) Packages and packaging components with a code indicating that date of manufacture was prior to the effective date of section 12002.

"(2) Packages and packaging components exempted by petition under subsection (b).

"(3) Packages and packaging components containing lead, cadmium, mercury, or hexavalent chromium in amounts that would not exceed the maximum concentration levels set forth in section 12002(b) but for the addition of post-consumer materials.

"(b) PETITION PROCEDURE.—A manufacturer, supplier, or distributor of packages and packaging component may petition the Environmental Protection Agency for a 2-year exemption from section 12002 for a particular package and packaging component on the basis of showing that the addition of lead, cadmium, mercury, or hexavalent chromium to the package or packaging component during the manufacturing, supply, or distribution process (1) is necessary to comply with health or safety requirements of Federal law, or (2) is essential for the protection, safe handling, or function of the contents of the package. The Administrator may grant the exemption if warranted by the circumstances.

"(c) TERMINATION OF EXEMPTIONS.—(1) Except as provided in paragraph (2), the exemptions referred to in subsections (a)(2) and (a)(3) shall cease to be in effect on and after the expiration of the 6-year period following the date of the enactment of the Solid Waste Metals Reduction Act.

"(2) An exemption referred to in subsection (a)(2) or (a)(3) may be renewed for a designated time period after the 6-year period specified in paragraph (1) if the Administrator makes a determination under section 12006 that the renewed exemption is warranted by the circumstances.

"SEC. 12004. CERTIFICATE OF COMPLIANCE.

"(a) MANUFACTURER REQUIREMENTS.—(1) Effective 2 years after the date of the enactment of the Solid Waste Metals Reduction Act, a manufacturer or supplier of a package or packaging component shall certify, with respect to each type of package or packaging component manufactured or supplied, that the package or component is in compliance with the requirements of this subtitle, or, in the case of a package or component that is exempt from the requirements of this subtitle pursuant to section 12003, the specific basis upon which the exemption is granted. Such certification shall be contained in a certificate of compliance signed by an authorized official of the manufacturer or supplier.

"(2) A copy of the certificate shall be kept on file by the manufacturer or supplier for as long as the manufacturer or supplier continues to manufacture or supply such package or packaging component. If the package or packaging component is reformulated or replaced, the certificate shall be kept on file until at least 1 year has expired after commencement of distribution of the reformulated or replacement package or packaging component.

"(3) manufacturer or supplier shall provide to each of its distributors a copy of each certificate of compliance required under paragraph (1) for packages or packaging components purchased by the distributor.

"(4) If the manufacturer or supplier of a package or packaging component reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component, in the same manner as the original certificate was provided under paragraph (1).

"(b) DISTRIBUTOR REQUIREMENTS.—Effective 2 years after the date of the enactment of the Solid Waste Metals Reduction Act, a distributor of packages or packaging components shall request from the manufacturer or supplier of the packages or components the relevant certificates of compliance and shall keep such certificates on file for as long as

the distributor continues to distribute such package or packaging component.

"(c) AVAILABILITY.—(1) The manufacturer, supplier, or distributor of a package or packaging component shall provide certificates of compliance, or copies thereof, to the Environmental Protection Agency upon its request and to members of the public within 60 days after requested in accordance with paragraph (2).

"(2) A request from a member of the public for a copy of a certificate of compliance from the manufacturer, supplier, or distributor of a package or packaging component shall—

"(A) be made in writing, with a copy provided to the Administrator; and

"(B) specify the package or packaging component with respect to which compliance is certified in the requested certificate.

SEC. 12005. ENFORCEMENT.

"(a) AUTHORITIES OF ADMINISTRATOR.—Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of this subtitle, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(b) CIVIL PENALTIES.—(1) Any person who violates any requirement of this subtitle shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day a violation continues shall constitute a separate violation.

"(2) Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

"SEC. 12006. REGULATIONS AND REVIEW BY THE ENVIRONMENTAL PROTECTION AGENCY.

"(a) REGULATIONS.—Not later than 1 year after the date of the enactment of the Solid Waste Metals Reduction Act, the Administrator shall promulgate regulations to implement this subtitle.

"(b) REVIEW.—The Administrator shall review their effectiveness of this subtitle not later than 42 months after the date of the enactment of the Solid Waste Metals Reduction Act and shall report to the Congress the results of such review. The report shall contain (1) a recommendation on whether to renew for a designated time period either or both of the exemptions referred to in subsections (a)(2) and (a)(3) of section 12003, and (2) a description of the nature of the substitutes used in lieu of lead, mercury, cadmium and hexavalent chromium in packaging and packaging components. In carrying out the review, the Administrator may request from a person subject to this subtitle, and the person shall provide, such information as may be necessary to complete the review. The report may contain recommendations to add other toxic substances contained in packaging and packaging components to the substances covered by this subtitle in order to further reduce the toxicity of packaging waste.

"SEC. 12007. NON-PREEMPTION.

Nothing in this subtitle shall be construed as prohibiting a State from enacting and enforcing a standard or requirement with respect to toxic metals in packaging that is more stringent than a standard or requirement relating to toxic metals in packaging established or promulgated under this subtitle.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Solid Waste Disposal Act (contained in section 1001 of such Act) is amended by adding at the end the following new items:

Subtitle K—Toxic Metals in Packaging

"Sec. 12001. Definitions.
"Sec. 12002. Prohibitions on certain heavy metals in packaging.
"Sec. 12003. Exemptions.
"Sec. 12004. Certificate of compliance.
"Sec. 12005. Enforcement.
"Sec. 12006. Regulations and review by the Environmental Protection Agency.
"Sec. 12007. Non-preemption.".

PHILPOTT LEFT LEGACY TO US

HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. PAYNE of Virginia. Mr. Speaker, on Saturday, September 28, 1991, A.L. Philpott, the Speaker of the Virginia House of Delegates died after a 20-year battle with cancer.

He will be missed.

The Commonwealth of Virginia owes A.L. Philpott an enormous debt of gratitude for his many years of public service, first as Henry County Commonwealth Attorney, later as a delegate to the Virginia House of Delegates, and finally as Speaker.

He will be missed in Southside, VA, which he served so ably throughout his long and distinguished career.

He will be missed in Richmond.

I have known no one in public life who was more decent, honest, or more effective than A.L. Philpott. He was an inspiration to me and to many others in Virginia who have chosen to enter public life.

Mr. Speaker. I would like to share an editorial from the Martinsville, VA Bulletin.

[From the Martinsville Bulletin, September 29, 1991]

PHILPOTT LEFT LEGACY TO US

With Saturday's death of House Speaker A.L. Philpott, we have lost a friend, a guardian, a mentor to leaders, and a state leader the likes of whom we never may see again in our lifetimes.

Mr. Philpott died three days after he announced he would withdraw from the Nov. 5 House race. His final public gesture had signaled a changing of the guard at the General Assembly, and changing times for this area's influence in Richmond.

Since arriving at the state Capitol in 1958, Mr. Philpott had built a reputation for being a conservative, although when he was elected House Speaker on Jan. 9, 1980, he described himself as "fundamentally a traditionalist."

Yet he was a traditionalist who could change with the times, and the past 33 years have been interesting times in the Commonwealth of Virginia. This was a man who kept a proposed Martin Luther King holiday away from a House vote for eight years but later played a pivotal role in state politics when he endorsed a black candidate for lieutenant governor and later governor.

Mr. Philpott reigned in the assembly as Virginia moved away from courthouse politics and into the era of the golden crescent dominance on state issues and priorities. Yet his influence grew, as he learned who was who and which buttons to push to get things done in Richmond.

The results of getting things done are visible in the growth of Patrick Henry Community College's campus, the Virginia Museum of Natural History's acceptance as a state agency, and the planned U.S. 58 superhighway project.

However, the signs of his influence are not just left in bricks and mortar, but can be told by the many people he helped over the years. Whether it was helping to secure scholarships for a son or daughter of our area, helping a deserving student further his education, or supporting business in its dealings with Richmond, Mr. Philpott, the Speaker of the House, was our spokesman in Richmond.

Mr. Philpott knew that nurturing and helping businesses—retail, industry, banking, insurance and others—meant fostering jobs for local residents as well as those statewide. Just as a decade ago if you had a problem with the federal government, you called Fifth District U.S. Rep. W.C. "Dan" Daniel, for the past years if you had a problem with state government, you called Mr. Philpott. In both cases, problems were solved.

So what happens to this area now, without the influence of the Speaker? A newcomer to elected state office will succeed him. Our state legislators certainly will have to work hard to make sure this area does not become the step-child of the golden crescent power, with far fewer bargaining chips than Mr. Philpott stored up in his 33 years in state government and didn't hesitate to use when necessary to fight for what he believed was best.

But Del. Roscoe Reynolds and Sen. Virgil Goode are not the only people in Richmond watching out for the best interests of Martinsville, Henry County and Patrick County. Mary Sue Terry of Patrick County is attorney general and expected to run for governor; Jay Shropshire of Martinsville is Gov. L. Douglas Wilder's chief of staff, and Elizabeth Haskell of Martinsville is secretary of natural resources. And former Gov. Gerald Baliles, a native of Patrick County, has friends with influence.

Perhaps that was one of Mr. Philpott's most important legacies—the people he helped settle in Richmond, taught the political ropes, and saw climb to positions of influence. They may be the ones who, now that our friend is gone, can carry on the traditions of A.L. Philpott.

THE NATIONAL EYE CARE PROJECT HELPS SENIORS KEEP THEIR SIGHT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. DURBIN. Mr. Speaker, everyone needs access to eye care to maintain their sight, but not everyone can afford it. In particular, many of our Nation's senior citizens are on fixed incomes and may not be able to afford the copayments associated with eye examina-

tions. Without such examinations, they may be vulnerable to a variety of eye diseases that can cost them their sight.

That is why I would like to commend our Nation's State Ophthalmological Societies and the Foundation of the American Academy of Ophthalmology for its National Eye Care project. For the past 5 years, ophthalmologists associated with the National Eye Care project have been providing volunteer eye care at no out-of-pocket cost to low-income senior citizens.

Across the country, the project has received more than a quarter-million calls on its toll-free helpline, 1-800-222-EYES. If they are eligible for the assistance of this program, patients are referred to an ophthalmologist who will conduct an eye examination.

In Illinois alone, 4,290 patients were seen by a doctor who volunteered to waive any charges not covered by insurance. Of these patients, 2,279 had cataracts, 225 were diagnosed with glaucoma, 94 were diagnosed with diabetic retinopathy, and 482 had macular degeneration. All of these eye diseases can cause blindness. In addition, many other eye diseases and problems were identified.

Mr. Speaker, in the absence of the National Eye Care project, many of these elderly patients would have needlessly lost their vision. But the National Eye Care project was there to help them keep their sight.

I commend the Illinois Association of Ophthalmology, the other State Ophthalmological Societies, and the Foundation of the American Academy of Ophthalmology for their foresight in establishing this program, and I hope that they will continue to offer this important service for many years to come. I ask that their summary of the National Eye Care project be printed in the RECORD so that others may be made aware of its availability.

1-800-222-EYES—THE NATIONAL EYE CARE PROJECT

WHAT IS THE NATIONAL EYE CARE PROJECT (NECP)

The NECP is a public service program sponsored by the State Ophthalmological Societies and the Foundation of American Academy of Ophthalmology, and is designed to provide medical eye care for those who might otherwise go without. The primary purpose of the project is to help reduce the number of blinding eye diseases which occur in the 65 and older population, more than 50 percent of new cases of blindness occur in this age group each year.

Over a quarter million calls have been received and more than 165,000 patients have been referred to ophthalmologists for care.

HOW DO CITIZENS BECOME ELIGIBLE TO PARTICIPATE IN THE PROGRAM

To serve those who most need medical eye care, volunteer ophthalmologists are providing care for U.S. citizens or legal residents who are 65 and older and do not have access to an ophthalmologist they may have seen in the past. Although there is no financial qualification for the program, the emphasis of the project is on helping those without previous access to a medical eye physician (an ophthalmologist) and on helping those who may be without the means to pay.

HOW MANY OPHTHALMOLOGISTS HAVE VOLUNTEERED

More than 7,400 physicians have volunteered to care for seniors who may need the services of the NECP. There are over 8,900 locations nationwide where volunteer ophthalmologists will see NECP patients.

HOW DOES THE PROGRAM WORK

The program works like this: The public may hear about the toll-free Helpline number through a newspaper story, a radio announcement, a television public service announcement, or through a senior citizen or Area Aging center. Those who call will reach an operator and be asked a few questions to determine eligibility. This information is entered into a computer.

For those who are eligible and would like to see an ophthalmologist, the computer will match the caller to the volunteer ophthalmologist nearest the caller's home. Each referred caller is mailed a letter which provides the name of the ophthalmologist to call and provides details about guidelines of the project. Each volunteer physician is mailed a diagnosis form listing the patient's name, which alerts the doctor that the patient will be calling.

Those who wish information only are mailed an easy-to-read brochure about eye diseases of the aging. Those who are not eligible are also provided with information about how to contact a local ophthalmologist if they desire a second opinion. (The NECP is not designed to serve as a second opinion program.)

WHAT CARE WILL PATIENTS RECEIVE WHEN THEY VISIT THE OPHTHALMOLOGIST

Every patient will be given a comprehensive medical examination for eye diseases to determine what care may be necessary to protect the patient's vision. (This is not an eyeglasses program.) Those with previously undetected eye disease will be provided care for whatever condition or disease is diagnosed. (A caller may mistakenly say he or she does not have an ophthalmologist, but is actually under the care of one. These patients will be referred back to their regular ophthalmologist.)

IS THERE A COST TO NECP PATIENTS

Not usually. Services rendered by a volunteer ophthalmologist are provided at no out-of-pocket expense to the patient. Each volunteer has agreed to bill the patient's Medicare or other insurance, and for this program only, accept this as payment in full. The volunteer physician will not bill the patient for the remaining amount (the coinsurance or any unmet deductible). This is provided at no charge.

For those without insurance or means to pay, volunteer services are provided at no cost.

There are circumstances whereby a patient may be responsible for payment to someone other than the volunteer ophthalmologist. The following services are not covered:

Eye glasses, contact lenses, and prescription drugs.

Hospital services (which the hospital charges for).

Associated services of another medical professional, such as an anesthesiologist, etc.

It is important that patients have a clear understanding of possible charges. All callers who receive a referral are mailed an information sheet which provides details about project guidelines.

IN HONOR OF DR. JENNIFER HICKS

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ESPY. Mr. Speaker, today, I am pleased to recognize a woman, and a personal friend, whose career of service to the people of Vicksburg and west central Mississippi is an impressive example of dedication and commitment to those who are most vulnerable in our society.

For the last 8 years, Dr. Jennifer Hicks has served the people of Mississippi with compassion. The only woman obstetrician-gynecologist in Vicksburg, at last count she had delivered more than 600 babies in our community. She has worked tirelessly, for those who have much, as well as for those who have little. Yet, she has always given every mother and child the same love, the same care, the same consideration.

Now that Dr. Hicks is leaving Vicksburg, I want to share with the Congress the following article by Leslie Criss, from a recent issue of the Vicksburg Evening Post. Ms. Criss eloquently summarizes Dr. Hicks' love for and contributions to our community, and also how much we all will miss her.

DR. JENNIFER HICKS

(By Leslie Criss)

"You can't go home again."

Thomas Wolfe wrote it.

But Jennifer Hicks didn't believe it.

And home she came.

Back to the family who supported her dream of becoming a doctor.

A carpenter father and an educator mother who taught her to trample the limitations placed on her by those who didn't understand.

Home.

"Because I wanted to give something back," she has said.

So for the last eight years she has given.

And given.

With patience.

With compassion.

With commitment.

And with little relief.

These days, with mixed emotions, Dr. Hicks prepares to pack up her Vicksburg memories and head down the Muddy Mississippi to New Orleans.

In mid-October she will close her medical practice at the Olivia House and her years as Vicksburg's only woman obstetrician-gynecologist will come to an end.

When Dr. Hicks and her daughter Brandis move to New Orleans, she will join the faculty of Tulane Medical School and will also be involved in a medical practice in an on-campus clinic.

The decision to leave here wasn't made overnight. And it wasn't made easily.

But the decision made, Dr. Hicks is resigned to leaving.

Her years in Vicksburg, practicing alone, have not been easy. But when she speaks of the babies she has delivered, at last count 600 or more in five years, her eyes sparkle and her smile becomes contagious.

From her very first delivery, she knew she had found her calling.

At first the doctor tried to deliver babies at both hospitals, but after having a patient at each hospital at the same time in the same stage of labor, she realized her hands were full.

Especially when Sheriff Paul Barrett sent word to her that she was going to have to slow down on her treks between hospitals.

Along the way, she may have tried to take on far too much. But she made a commitment to care—for everyone—not just for those who were well-educated, well-dressed and could easily pay their bills.

So they sought her out—indigent patients from a four- and often five-county area. And she took them in.

It's a shame in this world today that altruism is rarely rewarded. In some instances it may even be suicidal.

And Jennifer Hicks is tired.

The help that could have been offered never came.

When she inquired on more than one occasion about a possible place for her in one of the local clinics, the response was always polite. But it was always the same.

Now the responsibility to care for the "least of these" will rest with others, who, too late, may discover what a treasure once walked among them.

When I moved to Vicksburg two years ago, I was impressed to find not one, but two hospitals, and enough physicians to circle a couple of city blocks in most small communities in the state.

It's nice to know qualified physicians are available, but, personally, I'd rather have root canal work done every day of the week than see a medical doctor.

As a kid I suffered from too many sore throats to count, so I visit our family doctor quite often.

I remember all too well his nurse Elmira's coming into the room, hypodermic hidden behind her back, while the doctor spouted off some nonsense about a "little bug bite."

Perhaps it was then and there my aversion to those in white coats began. But those fears ended the day I met Jennifer Hicks.

Taking time she really didn't have to spare, she sat down with me and talked. And before I left her office, we talked some more.

Realizing that I had not been to medical school, she explained things in a way I could understand. And when I talked, she listened patiently, even though her waiting room was overflowing.

She is eminently qualified as a professional. Of that there is no question.

But even more reassuring are her qualifications as a human being. She is kind and gentle. She is selfless and warm. And though she has ample reason to be bitter, her sense of humor thrives.

Regardless of her circumstances, she has never been a quitter. She is a survivor.

I, for one, am thankful that in this South of my birth I had parents who taught me along the way that differences in people make life more interesting. And an artist mother who showed me that every color on her palette was important to the outcome of the big picture.

I am grateful for the opportunity to know Jennifer Hicks as my physician and as my friend.

Vicksburg's loss is truly a gain for the people of New Orleans.

I just hope she will continue to believe that Thomas Wolfe was consummately wrong.

You can come home again.

TRIBUTE TO JOSEPH L. COLOSIMO AND FANNY PIEMONTESE: "CHAMPIONS OF ITALIAN HERITAGE"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to two outstanding members of the Yonkers community, Mr. Joseph L. Colosimo and Mrs. Fanny Piemontese. On Friday evening, October 4, 1991, both Mr. Colosimo and Mrs. Piemontese will be individually honored by the Yonkers Columbus Day Celebration Committee at the annual dinner dance in recognition of their many contributions and efforts on behalf of the Yonkers and Italian-American communities.

Mr. Colosimo has been actively involved in the Yonkers community since 1960, donating his skills and time to such organizations as the Yonkers Junior Chamber of Commerce and the Yonkers Urban Renewal Committee. Through the years, he has continued his civic involvement to include the chairmanship of the Columbus Day celebration committee, trustee of the Westchester County Medical Center and member of the order Sons of Italy.

Mrs. Piemontese has also played an active and varied role as a community leader. She has selflessly given her time and talents to such causes as the Sicilian Disaster Relief Fund, the United Fund of Yonkers and Big Brother-Big Sisters of Yonkers. Through the years she has also played an important role as chairperson of the Benefit Shop of St. John's Riverside Hospital, county chairman of the Yonkers Cancer Society and member of the board of trustees of the Enrico Fermi Scholarship Fund.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Mr. Colosimo and Mrs. Piemontese for their leadership and fine efforts that have benefited the Yonkers community. They both certainly deserve the honor bestowed upon them as "champions of Italian heritage."

THE EMPLOYEE BENEFITS AND JOB SECURITY ACT

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BILIRAKIS. Mr. Speaker, this week, I introduced H.R. 3443, the Employee Benefits and Job Security Act, as an alternative to mandatory unpaid leave. This legislation is designed to provide job security for employees who take leave from work for a legitimate personal reason, to encourage employers to contribute toward the costs of leave-related expenses, and to provide greater flexibility for employers and employees in selecting benefit packages, regardless of the size of the company.

My bill is similar in approach to the American Family Protection Act—H.R. 1270—introduced by Representative STENHOLM. Like H.R. 1270, my bill applies to all businesses, regardless of size, and requires businesses to give rehiring preferences to employees who take leave for up to 6 years to care for a child or for up to 2 years to care for a seriously ill family member.

In addition, my bill would also provide a rehiring preference for employees who take leave for up to 2 years for their own serious illness, or for up to 1 year to participate in a qualified educational program.

Under the provisions of my bill, an employee who takes leave is granted a preferential rehire status and is entitled to be reinstated in the original or a similar position, if one is available. If an appropriate position is not open when the employee applies for reemployment, the employee is entitled to the first similar position which becomes available, and the employer must give the employee notice of all similar positions which become available for a period of 1 year. In order to be eligible for leave, an employee must have worked for 2,000 hours during the previous 14-month period.

Businesses would be allowed to deny reinstatement to an employee if circumstances had so changed during the period of leave as to make reemployment unreasonable, or if the employee was subject to disciplinary action at the time leave was requested. In addition, businesses with 50 or more employees may deny reinstatement to the highest paid 10 percent of employees or 5 highest paid employees, if necessary to prevent substantial and grievous economic harm to the employer's operations.

My bill also provides greater flexibility for employers and employees in defining the terms of employment benefit packages, effectively creating a cafeteria plan of benefits. Absent coercion, the employer and employee can agree in writing to vary the requirements and conditions of the reemployment rights or substitute another arrangement or employment benefit package.

Most importantly, my bill would grant employers an important tax incentive in the form of an additional 50-percent deduction of the cost of providing certain employee benefits—including health care coverage, educational benefits, sick leave, child care, salary and pension benefits—in order to encourage employers to provide such benefits.

SUMMARY OF THE EMPLOYEE BENEFITS AND JOB SECURITY ACT

CONDITIONS OF LEAVE

The bill grants employees unpaid leave for up to six years to care for a child, for up to two years because of serious illness or to care for a seriously ill family member, or for up to one year to participate in a qualified educational program.

An employee who takes leave is granted a "preferential rehire" status and is entitled to be reinstated in the original or a similar position, if one is available.

Upon reinstatement, the employee retains any seniority and benefits accrued before taking leave.

The employee has the burden of proof in showing that he or she is qualified to assume the position in question.

If an appropriate position is not open when the employee applies for reemployment, the employee is entitled to the first similar position which becomes available, and the em-

ployer must give the employee notice of all similar positions which become available for a period of one year.

ELIGIBLE EMPLOYEES

In order to be eligible for leave, an employee must have worked for 2,000 hours during the previous 14 month period.

An employee must provide the employer 30 days written notice of his/her intent to take leave, unless impossible.

The provisions of the bill apply to employees in all businesses, regardless of the number of employees.

EXEMPTIONS

Businesses would be allowed to deny reinstatement to an employee if circumstances had so changed during the period of leave as to make reemployment unreasonable, or if the employee was subject to disciplinary action prior to leave.

Businesses with 50 or more employees may deny reinstatement to the highest paid 10 percent of employees or 5 highest paid employees, if necessary to prevent "substantial and grievous economic harm" to the employer's operations.

SUBSTITUTION/WAIVER

Absent coercion, the employer and employee can agree in writing to vary the requirements and conditions of the reemployment rights or substitute another arrangement or employment benefit package.

REMEDIES

An aggrieved employee can file a charge with the Department of Labor and may file a civil action directly against the employer if the DOL is unable to resolve the complaint.

Damages in a civil action are limited to the amount of lost back pay and benefits, plus reasonable attorney's fees.

TAX INCENTIVES

The bill would grant employers an additional 50 percent tax deduction of the cost of providing certain employee benefits (including health care coverage, educational benefits, sick leave, child care, salary and pension benefits), in order to encourage employers to provide such benefits.

ANOTHER GREAT ACCOMPLISHMENT BY TRAVERSE CITY JUNIOR HIGH SCHOOL'S STUDENTS, FACULTY AND ADMINISTRATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. VANDER JAGT. Mr. Speaker, to be the best. We all strive, a very few succeed. Even fewer can claim to be among the very best twice in a decade.

But then very few schools are like Traverse City Junior High School. At a ceremony at which President George Bush and First Lady Barbara Bush recognized the U.S. Department of Education's 1990–91 Blue Ribbon National Exemplary Schools, the Traverse City school received awards from not only Education Secretary Lamar Alexandar, but also from John Frohnmayer, the Chairman of the National Endowment for the Arts. You see, the Traverse City Junior High School is also one of the 25 outstanding schools in the Nation for integrating arts into the curriculum.

Only 32 schools nationwide were great winners of the national Exemplary School Award, Traverse City having been recognized in 1983–84. But then that is the kind of excellence that is an ongoing picture: a montage of supportive citizens, capable and dedicated administrators and teachers, involved parents, and, of course, enthusiastic and interested students.

That is a winning combination, and in this case the winners are all us, because such a school produces young folks who are ready for the challenges of high school and adolescence. With a solid foundation, they can prepare themselves during their high school years for whatever future they seek, and be confident of continued success.

Because success does breed success. At the institutional level, clearly, the Traverse City Junior High School continues to succeed, indeed to excel. At the student level we know that the young people who benefit from this excellence, and who are a part of it, will take sound study habits, an enthusiasm for learning, and a sense of community into their formative young adult years. And the fact that, combined with overall educational excellence, the Traverse City experience brings a sensitivity to the arts means that these young people will bring a well-rounded openness to beauty as well as books.

We in Michigan's Ninth Congressional District are proud of the Traverse City community and of this very special achievement. The Traverse City Eagle details the story of the awards, past and present, of the Traverse City Junior High School. I offer this narrative for the review of my colleagues and ask that they join me in a hearty congratulations.

[From the Traverse City Record Eagle, Sept. 26, 1991]

TC JUNIOR HIGH OFFICIALS GET PRESIDENTIAL PRAISE

(By Steve Hendrix)

WASHINGTON.—Traverse City Junior High School officials, for the second time in seven years, traveled here to receive presidential congratulations for their educational success.

At a lunch banquet Wednesday, four junior high teachers and administrators joined their counterparts from all 222 "Blue Ribbon Schools" named by the Bush Administration as the best of the nation's schools for the 1990–91 school year.

President Bush, joined by his wife Barbara and U.S. Secretary of Education Lamar Alexander, told educators that honoring their success was part of his effort to improve education throughout the country.

"Part of reform is shining a spotlight on the schools that work, on the people that make them work," Bush said. "You are the success stories. We're charting a new course for our nation's schools and you are the pioneers."

Schools win the blue ribbon designation after a lengthy review process that includes nomination by state education departments, school visits by national officials and, ultimately, selection by the Secretary of Education. Winning schools receive a plaque and a "Blue Ribbon" flag to fly for the coming year and, of course, two days of pomp and ceremony in the nation's capital.

"It's the highlight of my teaching career," said reading teacher Shirley Forton, who attended the ceremony along with Assistant Principal Steve Bates, choir director Tom Stokes and Meg Oberlin, director of staff development and student services for Traverse City schools.

An autumn rain forced the cancellation of a planned White House ceremony and the President instead delivered his address in the hotel ballroom where the teachers gathered for the awards ceremony.

"We had planned on hosting you all on the White House lawn, and here I am the one making the field trip," Bush quipped.

Bush also paid special tribute to the 32 schools, including Traverse City Junior High, that were being honored for the second time. The school was also selected as an outstanding institution in the 1983–84 school year.

"We're glad that we maintained the excellence," said Bates of the schools repeat success. "The biggest factor is the staff. Our staff is just flatout outstanding."

The Traverse City school was one of the few to be doubly honored at the ceremony, being one of only 25 schools nationwide recognized for it's outstanding fine arts programs. Those schools, selected by the National Endowment for the Arts, were chosen for using art to teach "creative problem solving, self expression, and understanding of world cultures," according to NEA Chairman John Frohnmayer.

"These 25 schools are now models as to how the arts can be integrated into other areas." Frohnmayer said at the awards ceremony.

H.R. 3033, JOB TRAINING REFORM AMENDMENTS

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. PERKINS. Mr. Speaker, the Committee on Education and Labor has reported to the House H.R. 3033, the job training reform amendments, a bill to reform and restructure the Job Training Partnership Act of 1982 [JTPA]. It is anticipated that this measure will be scheduled for consideration under "suspension of the rules" on Monday, October 7.

H.R. 3033 retains the public-private partnership that forms the basic delivery system for JTPA, and preserves the emphasis on program outcomes through the use of revised performance standards. Throughout the bill an emphasis is placed on serving the hard-to-serve, with barriers to employment in addition to their poverty. Longer, more comprehensive services, are mandated with an assessment and service strategy provided for each participant. The Secretary, in consultation with the inspector general, would be required to issue detailed procurement standards to address the numerous program integrity abuses reported over the last few years.

In anticipation of any questions Members may have on this bipartisan legislation, I am including with this statement a summary that has been prepared by my staff on the Subcommittee on Employment Opportunities.

SUMMARY OF H.R. 3033, THE JOB TRAINING REFORM AMENDMENTS

H.R. 3033 to the Job Training Partnership Act (JTPA) makes a number of improvements and modifications. This legislation is designed to reform and strengthen the Act's

services for economically disadvantaged adults and youth.

H.R. 3033 retains the public/private partnership that forms the basic delivery system for JTPA, and preserves the emphasis on program outcomes through the use of revised performance standards. Throughout the bill an emphasis is placed on serving the hard-to-serve, with barriers to employment in addition to their poverty. Longer, more comprehensive services, are mandated with an assessment and service strategy provided for each participant. The Secretary, in consultation with the Inspector General, would be required to issue detailed procurement standards to address the numerous program integrity abuses reported over the last few years.

ADULT AND YOUTH PROGRAMS

H.R. 3033 separates the year round youth services provided in the existing title IIA adult and youth program into a new title IIC youth program. To be eligible for services under title IIA, individuals must be economically disadvantaged adults age 22 or older, and at least 60 percent of these adults must have at least one prescribed barrier to employment in addition to poverty. As in current law, 10 percent of these participants may be non-economically disadvantaged if they face at least one other barrier to employment.

The proposed title IIC program for youth, aged 16 through 21, will have the similar eligibility requirements to the adults listed above. High school dropouts under the age of 18, however, must return to school or some form of alternative educational program as a part of their participation in JTPA. Of the title IIC participants, 60 percent must be out-of-school. With limited exceptions, a governor may lower the service delivery area (SDA) requirement to a minimum of 40 percent. These exceptions are: a dropout rate of less than 10 percent, or excluding from the computation of the 60/40 percent ratio all of the in-school youth served in a schoolwide project.

Schoolwide projects are authorized under title IIC to target in-school youth in neighborhoods with a poverty rate over 30 percent. In these high poverty areas, in high schools where at least 75 percent of the students face the additional barriers to employment listed in title IIC, the entire school would be eligible for services without income certifying each individual youth.

The title IIB Summer Youth program will retain the same eligibility requirements as in current law. Language is added to this part to encourage the concurrent enrollment or transfer of summer youth into the title IIC year round youth program.

FUNDING

The bill includes a declaration of policy that encourages the expansion of the title II program by increasing funds by at least 10 percent each year to increase the 5 percent of eligible youth and adults currently served. Increased funding will be required simply to maintain current service levels, since these amendments require longer, more comprehensive training services.

Only technical changes are proposed in the funding formula, such as the exclusion of college students and individuals in the armed forces from the poverty data.

Subject to the approval of the Governor, SDAs may transfer up to 10 percent of their title IIA and IIC funds between these titles (IIA and IIC), depending upon local need to serve more adults or more youth.

A new reallotment and recapture provision is added for excess carryover funds in title II programs.

STATE SET-ASIDES

Of the funds appropriated for title IIA and IIC, 19 percent will be set-aside at the state level for the following activities: 6 percent for incentive grants to local SDAs who have exceeded all performance standards while also exceeding performance standards for the hard-to-serve; 5 percent for state administration and monitoring of programs; and 8 percent for state education coordination and grants.

The existing 3 percent state set-aside for older worker programs would be replaced with a requirement at the local level that at least 8 percent of an SDAs funds under title IIA be targeted at participants aged 55 or older.

ASSESSMENT

The education, skill level, and service needs of each title IIA and IIC participant will be assessed, and a service strategy must be developed. In these two titles, each participant must be provided, directly or through arrangement, the education, skills training and supportive services necessary when the assessment indicates such a need.

In title IIB each participant must be assessed for basic skills and support services. Other assessment tools are encouraged, as is the development of a service strategy.

In title IIA and IIC, each SDA shall ensure that each applicant who meets the minimum income eligibility criteria be provided information on all appropriate services along with a referral to other appropriate programs to meet the applicant's basic skills and training needs.

COST CATEGORIES

Under current law, SDAs must spend at least 70 percent of their funds on training activities, with a maximum of 15 percent on administration, and the remainder on support services. This bill proposes a minimum of 50 percent be spent on direct training activities, a maximum of 20 percent on adminsitration, and the remaining 30 percent or less on support services and training-related services.

Each of these categories is defined, including the addition of work experience, counseling, assessment, and case management into the training category, and the inclusion of financial assistance in the support services definition. With limited prescribed exceptions, all costs must be charged to the appropriate cost category.

PROCUREMENT

The Secretary is required to prescribe regulations establishing detailed, uniform procurement standards and cost principles to ensure fiscal accountability and prevent waste, fraud and abuse in these programs. In establishing these standards the Secretary shall consult with the Inspector General and take into consideration the relevant OMB circulars. The standards prescribed shall ensure that procurements are competitive, include an analysis of the reasonableness of costs, do not provide excess program income or profit, and that no conflict of interest exists in the grant selection.

This legislation allows SDAs to use advance payments of up to 20 percent when contracting with nonprofit organizations, based on the financial need of the organization.

DOCUMENTATION

Instructs the Secretary to provide guidance and technical assistance to states and SDAs on minimizing documentation to verify eligibility, demonstrate additional barriers to employment, and conduct assessments to ensure that these requirements do not discourage program participation. The establishment of uniform standards and automated intake procedures are encouraged.

The bill adds a new requirement that any additional state or SDA imposed rule, regulation, policy, or performance standard relating to this program must be identified as a state or SDA imposed requirement.

ON-THE-JOB TRAINING

The bill limits on-the-job training (OJT) to 6 months and prohibits SDAs from contracting with employers who have exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and benefits at the same level.

ECONOMIC DEVELOPMENT ACTIVITIES

The legislation prohibits the use of funds for activities such as: economic development, employment generating activities, revolving loan funds, contract bidding resource centers, and other activities that do not result in the direction creation of jobs in which JTPA participants are placed. No funds under title II or III are to be used for foreign travel. No funds shall be used to assist or encourage business relocations. If such a violation is alleged the Secretary shall consult with the appropriate labor, business, and public agencies in making a determination of whether a violation has occurred.

PERFORMANCE STANDARDS

H.R. 3033 amends adult and youth performance standards to include employability competencies, such as the attainment of a high school diploma or its equivalent. The bill mandates that each Governor adjust the standards to reflect economic, geographic, demographic and other different factors in the state and SDAs.

H.R. 3033 amends the incentive grants to emphasize exceeding performance in services to the hard-to-serve, or those with additional barriers to employment. The Secretary is required to establish uniform criteria defining failure to meet performance standards by an SDA.

The legislation requires the Governor to report final performance for each SDA, and on his or her plans to provide technical assistance to SDAs failing to meet these standards. The Governor is required to notify the Secretary of continued failure (2 program years), along with plans for reorganizing and restructuring the SDA and the private industry council. If the Governor fails to address the SDA's failure to meet performance standards, the Secretary shall withhold one-fifth of the five percent state's administration set-aside to provide these services.

DATA COLLECTION

The amendments would require improved and expanded data collection, particularly on sex, race, age and occupation. The cross tabulation of various state and SDA produced data will also be required.

TITLE III

The title III dislocated worker program is amended to change the cost category calculations to be based on "allocations" instead of "expenditures" now required in current law. Since precise expenditures are not known until after the end of the grant period, it is difficult to keep these costs within their limitation. It makes planning difficult, particularly for unexpected plant closures.

JOB CORPS

Amends Job Corps to increase the ceiling on the proportion of nonresidential slots in

the program from 10 to 20 percent, with a priority given to parents with dependent children. Prohibits private contractors from managing a Civilian Conservation Center. Includes a provision for a 1 percent minimum management fee for all Job Corps contractors.

YOUTH OPPORTUNITIES UNLIMITED

Creates a new Youth Opportunities Unlimited program under title IV to provide training grants to high poverty communities in a target area with a population of 25,000. These grants would allow communities to provide comprehensive services to all low-income youth in need. A 50 percent state or local match is required.

DISASTER RELIEF

The bill adds permanent authority of $15 million each year to fund public service employment for disaster relief as defined in the Disaster Relief Act of 1974.

STATE HUMAN RESOURCE INVESTMENT COUNCILS

An amendment is included to add an optional state human resource investment council, as long as an agreement is reached by the state agencies responsible for administering affected programs.

SWEDEN RIGHT, HARKIN LEFT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. CRANE. Mr. Speaker, it is indeed ironic that while the entire world seems to be moving toward free market principles and away from big centralized governments and planned economies, we find the leaders of the Democratic Party moving exactly in the opposite direction. The Democratic Party apparently believes that the Federal Government holds the solution to all our problems big and small, and that Democrats should have license to continue to tax and spend the hard-earned income of the American people with impunity—after all Big Brother knows best. Although Democrats may believe that the sky is the limit when it comes to spending other people's money, we have now found that even in a country like Sweden, the penultimate welfare state, there are limits to what politicians may get away with.

Astonishingly, more than 60-percent of Sweden's national income goes to fund government. Apparently the Swedish people are now fed up with this state of affairs, and have elected a conservative government promising tax cuts and cuts in government spending. Although the United States has yet to reach the 60 percent mark, we are approaching that figure all too rapidly. Despite the misguided rhetoric of the junior Senator and Presidential hopeful from Iowa, one can only hope that Democrats will learn from the failure of socialism in Sweden and around the world, and will abandon their welfare state mentality which has only led to economic and social decline. I commend to my colleagues the following editorial which appeared in the September 20, 1991, Detroit News.

SWEDEN RIGHT, HARKIN LEFT

It is a sign of the Democrats' disarray that even as socialism collapses overseas, it is alive and well in their own party.

Last Sunday, that last bastion of "democratic socialism," Sweden, turned strongly away from its welfare-state roots and threw out the ruling Social Democrats. In their place came a conservative coalition united behind a 42-year-old leader, Carl Bildt. He promises tax cuts, privatization, reductions in Sweden's bloated bureaucracy and a significant overhaul of the state's national health system.

By contrast, the Democratic candidate who has been getting the most media attention in the United States, Sen. Tom Harkin of Iowa, is heading in the opposition direction. Sen. Harkin is preaching more class warfare, more welfare-state socialism, massive tax increases and national health insurance program just as comprehensive as Sweden's.

Not all Democrats agree with Sen. Harkin, of course. Two other Democratic candidates, Virginia Gov. Douglas Wilder and Arkansas Gov. Bill Clinton, have voiced criticism of the Harkin approach. Said Gov. Wilder recently, "We don't need divisiveness to pit one group against another. We shouldn't talk about taxing the rich. We should not tax anyone until we eliminate waste and spending."

And Gov. Clinton criticized Harkin's "orgy of Bush-bashing" and challenged Democrats to put forward their own growth program that would "get America moving again."

But it's not clear that either Govs. Clinton or Wilder have the ear of the aging 1960s activists who still run the Democratic Party. Their hearts are clearly with the Harkin brand of Beltway bolshevism, a vision that thinks all the country needs is a big surtax on millionaires to finance redistribution to everybody else.

The so-called "third way" between capitalism and Communism very nearly destroyed the otherwise homogeneous and industrious Swedish economy, chasing capital investment out and forcing rich-man's tax rates on the middle and lower classes. More than 60 percent of national income now goes to government, nearly double the U.S. level, even if you include state and local government.

In a global marketplace where information is king, bureaucracies and their command-and-control regulations are increasingly obsolete under both Marxist and non-Marxist regimes. Sen. Harkin is called a "populist" by his apologists. In fact, he is just another old-fashioned socialist. He was one of the strongest and most open supporters of Nicaragua's Sandinista regime on Capitol Hill in the 1980s. And for a period he met routinely with the Institute for Policy Studies, a far-left think tank in Washington with roots in Marxist thought.

That does not mean Democrats have to sound like Republicans. But they don't have to sound like warmed-over Swedish socialists, either. Sen. Harkin's failure to embrace the basic market economic system marks him as not only outside the American mainstream, but increasingly outside the world mainstream. As one perceptive Swedish commentator summed it up recently, "The third way leads only to the Third World."

OIL AND THE INUPIAT ESKIMOS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I would like to submit for the RECORD an article which appeared in the August 28 edition of The Washington Post titled Oil and the Inupiat Eskimos. The article was written by Ms. Brenda Itta-Lee, vice president for Human Resources for the Arctic Slope Regional Corp., of which some Inupiat Eskimos are shareholders. Ms. Itta-Lee's regional corporation is from Barrow, AK, and they own much of the land in ANWR which is under debate for oil exploration and development.

She speaks for the Inupiat Eskimos of the ASRC and I feel it is important that their voice be heard.

OIL AND THE INUPIAT ESKIMOS

An Aug. 12 news story reported that the elders of the Gwich'in tribe from Arctic Alaska and Canada met in Arctic Village to oppose legislation that would open the coastal plain of the Arctic National Wildlife Refuge to oil exploration and development. The elders said they are working to protect the caribou, which they depend on for much of their food.

However, the Gwich'in, some members of Congress and many environmentalists are telling the Inupiat Eskimos that we cannot develop our native-owned lands, even though they do not live here or even own a part of the land.

The Inupiat Eskimos do the actual day-to-day work to protect the caribou and the environment on Alaska's North Slope. My parents taught me, as their parents taught them, that if we do not take care of our environment, we will die, because it is a very harsh and an extremely cold place to live. Therefore, in order to survive, for centuries we have been stewards of the land and animals and have attained a reputation of being the best of environmentalists and conservationists anywhere.

We live in harmony with and off the land. We demand that all who come into our area share our respect for the land and the animals. When Prudhoe Bay oil was discovered, the Inupiat Eskimos were also the ones who did the day-to-day work to persuade the oil companies to meet our demand to operate in an environmentally sensitive and scientifically correct way.

We feel that the oil industry so far has complied with our demands to protect the environment. The caribou herd at Prudhoe Bay has increased six-fold since the oil discovery there. The caribou and other wildlife and their habitat are treated with great care.

The Arctic Slope Regional Corp., which represents 6,000 Inupiat Eskimos of Alaska's North Slope, favors extending oil development to the coastal plain of the Arctic National Wildlife Refuge. The national needs domestic oil. So do my people.

At a minimum, the approximately 92,000 acres of private lands owned by the Arctic Slope Regional Corp. should be allowed to be developed. Revenues from the only economy we have—the oil industry—have provided high schools in each of our eight villages for the first time in our history. We now have health clinics, utilities, a local senior citizens' home and other basic public services that most Amercans take for granted.

The Inupiat Eskimos are the ones who have worked hard daily to protect Alaska's North Slope, because we have chosen to live here. I hope Amercans and Congress listen to our side too.

TRIBUTE TO JOSEPH J. LAMB

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SANTORUM. Mr. Speaker, on July 31, 1991, the 18th District, the State of Pennsylvania, and the Nation experienced the loss of a true model citizen and veritable hero. For 75 years, Joseph J. Lamb exemplified and gave genuine meaning to the words "service to fellow man." His strength of character guided his actions in all aspects of his life, always in the right direction, a direction of selfless service to his family and his country.

I respectfully offer the eulogy for Joseph J. Lamb, entitled "My Father, My Hero," given by his son, Michael G. Lamb, on August 3, 1991. It is the story of a man from whom we all can learn a great deal as we confront the various tests and crises thrust upon us in our lives. He remains a hero, not for the sake of heroism, but for the ideals of right and justice. We can only hope to follow in his footsteps.

MY FATHER, MY HERO

(Eulogy for Joseph J. Lamb, 1916–1991)

I would like to thank my family, Father John, Father Newmeyer, and all our many friends for their tremendous support during this difficult time. I would also like to share with you my thoughts regarding my father. His death is hard to accept. But I believe it has a meaning; a meaning that in part lies in learning from the lives of those who have gone before us.

In the last days of Dad's life, his brother Carl recalled to me how vividly he remembers my father returning from basic training during the war. "I can still see him", Carl said, "I was 13 years old and he was my hero." The day that my father died Carl whispered the same words at his bedside, "he was my hero". Since then those words have remained fixed in my mind. What is a hero? Is he the baseball slugger, or the movie star, the army general, the famous political leader or the talented singer? Somehow, I don't think these are our real heroes. It seems every evening, the news reveals yet another scandal involving such pseudoheroes, the athlete who abuses drugs, the movie star's perversions, the politician's corruption, and the wealthy businessman's extramarital affairs.

Yet I think my father truly was a hero. For in an age rampant with divorce and infidelity; he was happily married for 44 years.

In an age in which families fall apart, he always kept his together. For him the word "family" meant everything.

In an age of selfishness, he thought of others first.

In an age of dishonesty, he championed the truth, and in all his affairs he was scrupulously honest.

In an age of racial strife, he abhorred prejudice and his company in the Hill District of Pittsburgh employed blacks and whites as equals long before there were civil rights laws.

In the world of business he was very successful and he retired with many friends and no financial worries, but he never had to cheat anybody to get there. As a boy at age 2, his mother died and though he didn't know her, Dad always felt that loss. He extended this feeling to others who suffered similarly from losing their parents, contributing for over 50 years to Boys Town. He never took credit for this or any of the other multiple charities that he silently donated to over the years. My father always said there is no limit to the good a man can do if he doesn't care who gets the credit.

During the second world war at age 25, he volunteered for duty in the Army and gave up a safer desk position that he could have had in the Merchant Marines, to his younger 19 year old brother Dan. He neglected his own safety so that his brother would be out of harms way. Dan never forgot the sacrifice that my father made. They remained forever close, and the best of friends.

My father served in North Africa, Italy, France and Germany during the war. He was wounded in action in France and was awarded the Purple Heart. In the battle of the Rhineland, he rushed into enemy fire to rescue a young private, risking his life for a person he didn't even know. For that act, he was given the Bronze Star for heroic achievement.

Dad seldom talked of these events, and in fact purposely concealed them for many years, because he did not wish to glorify war. Even today, some of his family and many of his friends never knew that he had won the Bronze Star. Dad felt he was lucky to have survived the war and believed that what he did was no more than his duty. The real war heroes, he said, lie buried in France.

In his last years, despite a terrible illness, he retained his wonderful sense of humor, joking with nurses and family even during his final few days. He suffered with dignity and gallantry, with the disease never really besting him. In spirit, he was the winner and the illness the loser. My father's valor, was exemplified best, not so much in his military record as in the way he adhered to his ideals and beliefs in his daily life. He was a decent courageous man who did his best for his family, his fellow man, and his country.

And yet, there will be no 21 gun salute for my father today, the flag will not be at half mast and he won't make the big headlines on the evening news. That's the way he would have wanted it. His will be the fanfare of the common man, although he was a very uncommon man.

To my mother, who he loved very dearly for 44 years, he was her hero.

To my brother, who he helped become a successful salesman, he was his hero.

To me, he was my father, he was my hero.

NATIONAL METRIC WEEK OCTOBER 6–12, 1991

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BROWN. Mr. Speaker, beginning with the 1988 passage of the Omnibus Trade and Competitiveness Act, the Federal Government policy on metric conversion changed from passive to active. The long-term objective of this shift is to establish metric as the preferred measurement system for United States trade and commerce. As National Metric Week, October 6–12, approaches, I would like to call to the attention of my colleagues Executive Order 12770, Metric Usage in Federal Government Programs, signed by President Bush on July 25, 1991.

The order was issued to implement the Metric Usage Act which became law as section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100–418). That act requires all Federal agencies to use the metric system of measurement in its procurements, to the extent economically feasible, by the end of fiscal year 1992. It also calls for Federal agencies to provide assistance to those companies seeking to convert to metric. It changed our national metric policy from accommodating the increasing use of metric to a declared preference for metric in U.S. trade and commerce. All Federal agencies are now directed to implement the new policy through specific metric usage initiatives.

I am pleased that through the issuance of this Executive order the President has demonstrated the commitment of the administration to achieve the objectives contained in the legislation. The Executive order notifies Government agencies that they must have their metric conversion plans completed and approved by their department or agency heads by November 30, 1991. The Secretary of Commerce is required to report to the President annually on the progress made in implementing the order, and by October 1, 1992 to recommend any additional measures needed to achieve the full economic benefits of metric usage.

Mr. Speaker, I am especially pleased by the issuance of this Executive order because of the importance of metric conversion to our country's economic competitiveness. The United States is the only industrial country which has not adopted the metric system of weights and measures, and companies that cannot manufacture in metric will increasingly find doors closed to them. Japan has recently identified the United States' non-metric activities as a strategic impediment to trade, and the European Community has threatened to keep nonmetric products out of their economic union. Strong government leadership is needed to help American small manufacturers thrive while using world measurement standards. The text of the Executive order follows:

[Executive Order 12770 of July 25, 1991]

METRIC USAGE IN FEDERAL GOVERNMENT PROGRAMS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Metric Conversion Act of 1975, Public Law 94–168 (15 U.S.C. 205a *et seq.*) ("the Metric Conversion Act"), as amended by section 5164 of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418 ("the Trade and Competitiveness Act"), and in order to implement the congressional designation of the metric system of measurement as the preferred system of weights and measures for United States trade and commerce, it is hereby ordered as follows:

Section 1. *Coordination by the Department of Commerce.* (a) The Secretary of Commerce ("Secretary") is designated to direct and coordinate efforts by Federal departments and agencies to implement Government metric usage in accordance with section 3 of the Metric Conversion Act (15 U.S.C. 205b), as amended by section 5164(b) of the Trade and Competitiveness Act.

(b) In furtherance of his duties under this order, the Secretary is authorized:

(1) to charter an Interagency Council on Metric Policy ("ICMP"), which will assist the Secretary in coordinating Federal Government-wide implementation of this order.

Conflicts and questions regarding Implementation of this order shall be resolved by the ICMP. The Secretary may establish such subcommittees and subchairs within this Council as may be necessary to carry out the purposes of this order;

(2) to form such advisory committees representing other interests, including State and local governments and the business community, as may be necessary to achieve the maximum beneficial effects of this order; and

(3) to issue guidelines, to promulgate rules and regulations, and to take such actions as may be necessary to carry out the purposes of this order. Regulations promulgated by the Secretary shall function as policy guidelines for other agencies and departments.

(c) The Secretary shall report to the President annually regarding the progress made in implementing this order. The report shall include:

(1) an assessment of progress made by individual Federal agencies towards implementing the purposes underlying this order.

(2) an assessment of the effect that this order has had on achieving the national goal of establishing the metric system as the preferred system of weights and measures for the United States trade and commerce; and

(3) on October 1, 1992, any recommendations which the Secretary may have for additional measures, including proposed legislation, needed to achieve the full economic benefits of metric usage.

Sec. 2. *Department and Agency Responsibilities.* All executive branch departments and agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order. Consistent with the mission, the head of each executive department and agency shall:

(a) use, to the extend economically feasible by September 30, 1992, or by such other date or dates established by the department or agency in consultation with the Secretary of Commerce, the metric system of measurement in Federal Government procurements, grants, and other business-related activities. Other business-related activities include all use of measurement units in agency programs and functions related to trade, industry, and commerce.

(1) Metric usage shall not be required to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms.

(2) Heads of departments and agencies shall establish an effective process for a policy-level and program-level review of proposed exceptions to metric usage. Appropriate information about exceptions granted shall be included in the agency annual report along with recommendations for actions to enable future metric usage.

(b) seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in Government publications. The transition to use of metric units in government publications should be made as publications are revised on normal schedules or new publications are developed, or as metric publications are required in support of metric usage pursuant to paragraph (a) of this section.

(c) seek the appropriate aid, assistance, and cooperation of other affected parties, including other Federal, State, and local agencies and the private sector, in implementing this order. Appropriate use shall be made of governmental, trade, professional, and private sector metric coordinating groups to secure the maximum benefits of this order though proper communication among affected sectors.

(d) formulate metric transition plans for the department or agency which shall incorporate the requirements of the Metric Conversion act and this order, and which shall be approved by the department or agency head and be in effect by November 30, 1991. Copies of approved plans shall be forwarded to the Secretary of Commerce. Such metric transition plans shall specify, among other things:

(1) the total scope of the metric transition task for that department or agency, including firm dates for all metric accomplishment milestones for the current and subsequent fiscal year;

(2) plans of the department or agency for specific initiatives to enhance cooperation with industry, especially small business, as it voluntarily converts to the metric system, and with all affected parties in undertaking the requirements of paragraph (a) of this section; and

(3) specific steps and associated schedules through which the department or agency will seek to increase understanding of the metric system through educational information and guidance, and in department or agency publications.

(e) designate a senior-level official as the Metric Executive for the department or agency to assist the head of each executive department or agency in implementing this order. The responsibilities of the Metric Executive shall include, but not be limited to:

(1) acting as the department's or agency's policy-level representative to the ICMP and as a liaison with other government agencies and private sector groups:

(2) management oversight of department or agency outreach and response to inquiries and questions from affected parties during the transition to metric system usage; and

(3) management oversight of preparation of the department's or agency's metric transition plans and progress reports, including the Annual metric Report required by 15 U.S.C. 205j and OMB Circular A-11.

(4) preparation by June 30, 1992, of an assessment of agency progress and problems, together with recommendations for steps to assure successful implementation of the Metric Convention Act. The assessment and recommendations shall be approved by the head of the department or agency and provided to the Secretary by June 30, 1992, for inclusion in the Secretary's October 1, 1992, report on implementation of this order.

Sec. 3. *Application of Resources.* The head of each executive department and agency shall be responsible for implementing and applying the necessary resources to accomplish the goals set forth in the Metric Conversion Act and this order.

Sec. 4. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

GEORGE BUSH.

THE WHITE HOUSE, *July 25, 1991.*

TRIBUTE TO THE MORRIS HEIGHTS HEALTH CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SERRANO. Mr. Speaker, I rise today to recognize the outstanding service of the Morris Heights Health Center. Located at 85 West Burnside Avenue, Morris Heights has been providing comprehensive, quality health care to the citizens of my district, the south Bronx, and to constitutents of other nearby areas for the past 10 years.

In the late 1970's, so few medical service providers existed in the Bronx, that concerned citizens joined together to establish a health care facility that would provide excellent service at a reasonable cost. During this period, the medical community practically abandoned the Bronx area, leaving behind a predominant minority population with towering health and social needs. Not only did the community of the Bronx face a fundamental lack of health services, but the problems of poor housing and other social ills that afflict impoverished neighborhoods began to entrench upon the region. It was at this point that citizens lobbied to change these dismal conditions, and to press for the foundation of a center that would effectively meet their demands.

Mr. Speaker, the Morris Heights Health Center serves as an example of what occurs when citizens mobilize and act to respond to a community's pressing needs. Morris Heights exemplifies the success that results when people work together to improve their quality of life.

With determination and conviction, the founders of the Morris Heights Health Center stuggled tirelessly to attain funding for their facility. In 1978, they received a demonstration grant of $75,000 from the Public Health Service through the Urban Health Initiative Program. Following 2 years of diligent planning, the center finally became a reality. In March of 1981, Morris Heights opened its doors to the community of the Bronx with a staff of only 10 people.

The Morris Heights Health Center was eagerly embraced by the community. The call for the services provided by the center was so extensive that after 3 short years the center outgrew its original goals. As a result, Morris Heights purchased and renovated a building at a cost of $4.5 million, and in May of 1987, the center moved operations to its current location.

From its inception until today, the center has grown to successfully address the demands of the community. Presently, Morris Heights, with a staff of over 130 and an operating budget of $7.5 million, tends to a patient population of over 20,000. Some of the services provided by the center include medical, dental, mental health counseling, childbearing care, WIC, and HIV to guarantee a compendium of services. The HIV Treatment and Prevention Program, one of three demonstration projects in the Nation funded by the Centers for Disease Control, is the last service being provided at Morris Heights.

Because of the community's vision and determination, Morris Heights stands today both

as a model of excellence and a beacon of hope to other communities facing similar challenges. However, Morris Heights' struggle is far from over. In order to address the special needs of the diverse and growing population in the area, the center has once again reached the point where expansion has become a necessity.

Mr. Speaker, on behalf of the Bronx community I would like to thank the Morris Heights Health Center for its untiring commitment to provide quality health care, and to better the quality of life in our community. I hope that the community continues to aggressively support the center's endeavors, and that Morris Heights continues to receive the necessary funding crucial to maintaining its operations.

ANTARCTIC ENVIRONMENTAL PROTECTION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BROOMFIELD. Mr. Speaker, today and tomorrow in Madrid, United States negotiators will put the finishing touches on the Protocol on Environmental Protection to the Antarctic Treaty. The protocol will be signed tomorrow, concluding a negotiating process that officially began only last November.

The conclusion of the environmental protocol comes during the 13th anniversary year of the Antarctic Treaty. This treaty is a model of international cooperation which has kept the peace and promoted common human objectives, particularly scientific research, in the Antarctic.

Most of the attention concerning the Protocol on Environmental Protection focused on the question of mineral exploitation. Under the protocol, mineral activities in the Antarctic are prohibited until such time as their necessity and desirability are reviewed by the parties. A conference could be called after 50 years for this purpose. Even after the 50-year period, however, mineral activities would be permitted only if there were a new agreement on this subject.

While mineral development is an issue for the future, the Antarctic environment has become subject to other infringements even now. These include the establishment and operation of national bases, as well as private activities such as tourism. Some of these activities have already affected certain wildlife habitats and resulted in unacceptable instances of pollution.

The protocol will enable the United States and the other Antarctic Treaty parties better to review activities in the Antarctic and their potential environmental effects. The protocol and its annexes contain standards and guidelines for various activities and for their review by the parties and the international community.

Mr. Speaker, the Environmental Protocol to the Antarctic Treaty is an important milestone in international environmental cooperation. The President is to be commended for his decision to instruct our negotiators to sign this agreement, which is fully responsive to public opinion in support of these measures.

While this agreement was still being reviewed by the administration, two Republican colleagues and I communicated with the President on this subject. A response to this communication and similar communications by other Members of Congress was recently received. I ask unanimous consent to include this exchange of correspondence in the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 1991.

The PRESIDENT,
The White House, Washington, DC

DEAR MR. PRESIDENT: A few weeks ago in Madrid, representatives of the United States participated in the drafting of a new international agreement to protect the Antarctic environment. U.S. representatives will soon return to Madrid to conclude these negotiations so that this agreement can be formally adopted at the next regular consultative meeting of the parties to the Antarctic Treaty this fall.

The proposed agreement will make an important contribution to protection of the Antarctic environment through improved international standards and procedures. At the same time, it would protect important national interests such as scientific research and possibly even future mineral development. Above all, it will help preserve the remarkable consensus among the Antarctic Treaty parties that has kept this continent a zone of peace, free from international discord.

We urge the administration to review the latest draft expeditiously so that the United States will be prepared to take action at the upcoming negotiating session. We also recommend that you make a favorable decision on the proposed agreement so that the United States will be in a position to sign it at the consultative meeting.

We feel that the proposed agreement represents a balanced and realistic approach both on its own terms and with reference to the current negotiating climate and world public opinion. Attached is an analysis of the proposed agreement and a more detailed statement of the reasons we believe it should be approved.

Thank you for this opportunity to state our views on this important subject.

Sincerely,

ROBERT W. DAVIS,
Ranking Republican Member, Committee on Merchant Marine and Fisheries.

ROBERT S. WALKER,
Ranking Republican Member, Committee on Science, Space, and Technology.

WILLIAM S. BROOMFIELD,
Ranking Republican Member, Committee on Foreign Affairs.

PROPOSED ANTARCTIC ENVIRONMENTAL PROTECTION AGREEMENT—JUNE 4, 1991.

The proposed agreement would constitute a new Protocol to the Antarctic Treaty on Environmental Protection, accompanied by several annexes on technical matters. The draft Protocol calls for the Antarctic to be treated as "a natural reserve, devoted to peace and science" (Art. 1). It includes new environmental principles (Art. 2) and environmental impact assessment procedures (Art. 7 and a special annex). Mineral activities would be prohibited for the foreseeable future (Art. 6).

The provisions of the Protocol could be modified or amended by consensus, under the Antarctic Treaty, or at a special review conference called after 50 years at the request of any party (Art. 24). With respect to mineral activities, the prohibition could be modified only if ¾ of the parties at the conference agreed, including all 26 current consultative parties. If so, the parties would also have to agree at that time on a new legal regime to regulate such activities.

Some of the terms of this agreement—particularly with respect to the prohibition on mineral activities—go beyond the previous U.S. position on this subject. This was to support an indefinite ban (see Pub. L. Nos. 101-594 and 101-620) comprised of a medium-term moratorium followed by an arrangement incorporating the terms of a previously-negotiated but unratified agreement (the Convention on Regulation of Antarctic Mineral Activities, CRAMRA) or an equally restrictive regime. Nevertheless, we feel that the proposed agreement on this issue is adequate to protect U.S. interests while providing for long-term protection of the Antarctic environment.

With regard to other activities, the agreement includes important new standards while at the same time preserving our national jurisdiction to conduct scientific research and regulate other activities that are subject to U.S. law. At the same time, the proposed agreement lays the basis for improved control of activities subject to national supervision, such as tourism.

Positive consideration of these provisions is warranted for the following reasons:

First, the new agreement would put into place important new protections for the Antarctic environment. This pristine area is becoming subject to higher levels of human activity for scientific and other purposes, including fishing and tourism. In view of the fragility of this polar environment and the thin margin of existence of living species, the time has come to put into place further international principles and procedures to regulate the activities conducted by nations active in the Antarctic. The Protocol and annexes would achieve this objective without undue regulation of important national programs.

Second, the prohibition on mineral activities—while perhaps unneeded at the current time—will help preserve international consensus on this difficult issue while not foreclosing future options. It is generally conceded that it will be a generation or more before the technology would be in place and market conditions could be right for the development of Antarctic mineral resources. This is due to the extreme harshness of the Antarctic environment—particularly the extremely challenging ice and sea conditions—and the remoteness and high costs of Antarctic operations.

The U.S. position on the minerals issue to date has been motivated in large part by the recognition that inability to maintain consensus under the Antarctic Treaty on this issue could lead to a breakdown in negotiations. Failure to agree on a minerals arrangement now could lead to an uncontrolled "gold rush" in the event exploitation of Antarctic minerals becomes feasible sometime in the future. Clearly, however, the long lead time before these events might occur means that, practically speaking, the issue of how to regulate potential mineral activities is really one for future decision.

Third, failure to agree on environmental safeguards for the Antarctic due to the minerals issue could delay agreement on other activities in the Antarctic that are more environmentally significant right now. Inability to agree on the Protocol and annexes could delay the adoption of standards and procedures for the conduct of tourism and other commercial activities. Continued focus on the minerals issue could also detract at-

tention from the need for improved regulation of commercial fishing under the Convention on the Conservation of Antarctic Marine Living Resources.

Absence on an international agreement on environmental protection could also result in increased pressure to bring scientific and other important national programs under some form of direct international regulation. This could impede national science programs which are extremely important for the monitoring of planetary systems such as the upper atmosphere, glaciers, climate change and the marine ecosystem.

Fourth, it is also important to recognize that the procedures for re-examining the minerals issue under the proposed agreement, while onerous, are not unreasonable. The parties are not limited to proceeding only in the manner contained in the Protocol itself (Art. 24). Since the Protocol is completely dependent on the Antarctic Treaty for its force and effect (Protocol, Art. 3), the parties could also avail themselves of the rights and procedures of the Treaty itself in order to pursue changes in the environmental regime.

Proceedings under the Treaty have traditionally been conducted on the basis of consensus, i.e., the absence of objection by any party. But the Treaty system represents a careful balance between international interests (such as scientific research and environmental protection) and national interests (such as unfettered research and even unrecognized claims of sovereignty, as well as the prerogative of pursuing commercial uses under appropriate conditions). When circumstances have changed and parties have strongly advocated new approaches—such as enhanced environmental protection—the other parties have generally responded after careful consultation and negotiations.

Finally, it is important to appreciate the current negotiating situation and climate of public opinion. Following the decision of two nations not to ratify CRAMRA, an increasing number of Antarctic Treaty parties have changed their policy on mineral activities to include some sort of prohibition. By the time of the recent meeting in Madrid, the United States was one of only a small number of countries unwilling to include a prohibition on mineral activities as part of the new environmental protection agreement for the Antarctic. Failure to subscribe to such a regime would in all likelihood prevent the finalization of such an agreement for the Antarctic at the present time. Meanwhile, intense lobbying by non-governmental organizations has resulted in considerable public sympathy for such measures, perhaps including long-term restrictions on minerals development.

UNITED STATES DEPARTMENT OF STATE,
Washington, DC.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives.

DEAR MR. BROOMFIELD: Thank you for your letter in support of the Protocol on Environmental Protection to the Antarctic Treaty.

As you may know, on July 3, 1991, President Bush announced that the United States will sign the Protocol on Environmental Protection to the Antarctic Treaty. Protection of the Antarctic environment has long been a basic objective of United States foreign policy. We believe that this new protocol will add important elements to the broad range of measures already taken within the Antarctic Treaty system to secure that objective.

Specifically, the protocol builds upon the Antarctic Treaty to provide an improved framework for the development, review, and implementation of environmental protection measures pursuant to the Treaty. It sets forth basic principles on the protection of the Antarctic environment, establishes an advisory body, and includes a system of annexes that incorporate detailed mandatory rules for environmental protection. The present annexes establish legally binding measures on the conversation of Antarctic fauna and flora, waste disposal, marine pollution, and environmental impact assessment procedures. Future annexes could be added following entry into force of the protocol.

The Protocol also addresses the issue of Antarctic mineral resources. It prohibits activities relating to Antarctic mineral resources, except for scientific research, and provides for an amendment and review process, based on the analogous provisions of the Antarctic Treaty. Specifically, this process:

a) provides that the articles of the Protocol may be amended at any time by consensus of all Antarctic Treaty Consultative Parties (ATCPs);

b) provides that a conference shall be held to review the operation of the Protocol at any time fifty (50) years after its entry into force if requested by any ATCP;

c) provides that an amendment to the Protocol proposed at any such review conference be adopted by a majority of the Contracting Parties including three-fourths of the current ATCPs (specifically 20 of the now 26 ATCPs);

d) provides that an amendment to the Protocol so adopted enter into force when ratified by three-fourths of the ATCPs at the time, including all 26 of the current ATCPs;

e) accords the right to any Party to withdraw from the Protocol upon two years notice if an amendment adopted at a review conference has not entered into force within three years;

f) provides that the prohibition of activities relating to Antarctic mineral resources shall continue unless there is in force a legally binding regime including agreed means for determining whether such activities would be acceptable and, if so, under what conditions; and

g) requires that any amendment to the prohibition on activities relating mineral resources proposed at a review conference include such a binding legal regime.

The compromise provision for amending the prohibition on mineral activities emerged at the last round of negotiations in June and represented the last outstanding issue in the negotiations. All Treaty Parties have now indicated their acceptance of this formulation. As a result, the Government of Spain has invited the Parties to conclude and sign the Protocol in Madrid during the first week of October.

The successful negotiation of this environmental agreement is a testimony to the success of the Antarctic Treaty in the year of its thirtieth anniversary. Pending its entry into force, the United States will work towards early implementation of its provisions.

We are very pleased that the negotiations on comprehensive measures for protection of Antarctic environment have reached a successful conclusion. I believe that the Protocol, much of which results from U.S. initiative, is a good agreement.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

THE POOR GET POORER: THE CENSUS REPORT ON POVERTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RANGEL. Mr. Speaker, I want to bring to the attention of my colleagues a very important report that was released last week on poverty in America.

It used to be, Mr. Speaker, that many of us in positions of elected and appointed leadership looked at our obligation to ease the pain of those in our society suffering in poverty as one paralleling a war effort. We once saw the challenge to eliminate the shackles of poverty as a special responsibility of our status.

But today, worrying about those in poverty is not fashionable. It does not fit in with the new so-called mainstream view of social responsibility. No one wants to be burdened with the problems and the afflictions of the downtrodden and forgotten, and it is coming back to haunt us in the form of crime and drugs and other social ills.

In its report, "Money Income of Households, Families and Persons in the United States: 1990", which is based on the 1990 census, the Census Bureau illustrates America's dangerous drift toward a tale of two cities, two societies—one poor, and the other able to plot out a course of progress on its own without any need for assistance.

This report on poverty in America tells us very clearly that no matter how hard we try to forget it or ignore it, the fact is that poverty is very real in America, and it is getting more and more prominent every day, especially given the prolonged recession that has seen even middleclass people with educations and high-income jobs laid off or fired from their jobs—some of the Government jobs—because there is no money to pay them.

From 1989 to 1990, the poverty rolls in this country grew by 6.7 percent, the Census Bureau tells us. While the richest of the rich continued to shakedown the leaves of opportunity from the tree of progress that grew tall during the free-spending 1980's decade, the poorest of the poor got poorer, moving farther out on the shaky limb of existence.

In America, two groups at directly opposite ends of the social spectrum are continuing on strongly divergent parts. We will never be able to close that gap, thereby eliminating the stranglehold of crime and drugs until we learn to focus on the root causes of these problems. We need to invest in people to keep them out of trouble, rather than wait until after the fact. It is more costly to address these issues on the back-end rather than on the front-end.

How long before we wake up and see the dangers in ignoring the unmet needs of the masses?

When people are hopeless, helpless, and without any skills or education, or lacking in housing and living in poverty, where they are locked out and left out, they tend to see life as a losing proposition and tend to drift to illicit drugs as a tonic. Consequently, they place little value on their own lives and do not have respect even for themselves, let alone others. We must put ourselves in their shoes. What is

there to lose when you have nothing to lose and no hope of ever attaining or achieving anything worth preserving and protecting?

I want to highlight some key points from this report:

The number of people below the poverty line totalled 33.6 million in 1990, compared to 31.5 million in 1989.

Half of the poor in this country are the truly helpless—children under age 18, or elderly persons.

The poverty rate for African-Americans remained the highest of any other ethnic group in America—31.9 percent.

About 28 percent of the poor received no assistance of any type.

In 1990, real household income declined. Per capita income also fell for the first time in 8 years.

Mr. Speaker, I want to ask my colleagues to please get a copy of this report and read it. Let us pledge ourselves here in the House of Representatives to make life in America a winning proposition for everyone, not just for a few. It remains our obligation.

AMERICAN INDUSTRIAL QUALITY AND TRAINING ACT OF 1991

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. VALENTINE. Mr. Speaker, today I am introducing the "American Industrial Quality and Training Act of 1991." The bill establishes new programs under the Technology Administration of the Department of Commerce and the Departments of Labor and Education, to promote a skilled work force and U.S. industrial competitiveness.

Today, we have major national problems in education, literacy, and industrial competitiveness. All of these problems are linked and are eroding our national prosperity and the standard of living of our citizens. We must begin to think anew and place renewed priority on human resources and our national economic infrastructure.

In the past, much of our economic growth was due to a rapid expansion in the size of the American work force. Because of a slowing population growth rate, the Nation will have to depend more heavily upon increases in national productivity growth rates in order to fuel economic expansion. Achieving vastly higher rates of growth in productivity will require a change in American business organization practices and a much stronger emphasis on work force training and quality education at all levels and of all types.

America must compete with low-wage nations like Mexico, Singapore, Taiwan, and Korea. Wages in these countries are only a fraction of those in this Nation. This wage gap must be made up by organizing work more efficiently, reducing waste, and avoiding large and costly inventories. Put simply, each employee must create more with less waste and in less time. This requires advanced skills training for America's workers. Many companies in high wage nations like Germany and Japan have been able to accomplish this. And these countries have managed to sustain large trade surpluses despite competition from low-wage nations, while America has been reporting large deficits in recent years.

The bill establishes the American Workforce Quality Partnerships and the American Industrial Quality Foundation. The Partnerships Program creates local work force training consortia between industry and institutions of higher education. The companies joining these partnerships must first agree to substantially restructure their organizations by adopting high performance or total quality management strategies or other plausible strategies to renew their competitiveness.

The purpose of the Foundation is to identify and disseminate certain best practice for industrial competitiveness. The Foundation will conduct classes, seminars, and conferences on competitiveness topics.

The bill also establishes the Youth Technical Apprenticeship Program and a program to encourage State governments to unify programs of technical education and training into statewide systems akin to our systems of university education.

LOW-LEVEL RADIOACTIVE WASTE POLICY AMENDMENTS ACT OF 1991

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GEJDENSON. Mr. Speaker, in 1979, two of the three low-level radioactive waste operating facilities in Hanford, WA and Beatty, NV, were temporarily closed while the third site, at Barnwell, SC, reduced the annual volume of waste that it would accept by 50 percent. These actions by the host States were due primarily to a series of transportation and packaging incidents. These three States with operating waste disposal sites made it clear that they would no longer accept all the Nation's low-level radioactive wastes. Initially, the U.S. Congress considered a federally oriented solution to the problem of assuring adequate low-level waste disposal capacity.

Eventually, however, in response to policy recommendations from State-supported organizations, including the National Governors' Association and the National Conference of State Legislatures, the Congress enacted the Low-Level Radioactive Waste Policy Act of 1980.

The 1980 act made each State responsible for providing disposal capacity for low-level radioactive waste generated within its borders. The act also encouraged States to form regional compacts to collectively meet their obligations to provide for disposal capacity, and allowed those compacts ratified by the Congress to exclude waste generated outside their borders, beginning in January 1, 1986.

By late 1984, it was evident that regions without waste sites were not progressing rapidly enough to have new facilities operating by the 1986 deadline. A change in the law appeared necessary in order to allow for the construction of the additional disposal sites foreseen in the 1980 act. After extensive negotiations between representatives of the States with operating sites and the 47 unsited States, a consensus was reached which enabled Congress to pass the Low-Level Waste Policy Act Amendment of 1985.

This act provided that the States of Washington, Nevada, and South Carolina would agree to continue to make their sites available to the entire country for an additional 7 years—but only if the unsited States and regions demonstrated specific progress toward developing new disposal capacity. The final date when sited sites could exclude waste from outside their regional borders was extended to January 1993. In exchange, the other States and regions were required to meet a series of specific dates and milestones. Among other provisions, the 1985 act also specified precisely which categories of low-level radioactive waste would be the State's responsibility and made the Federal Government responsible for the disposal of commercial low-level radioactive waste exceeding "class C" concentration limits.

Today, as we all know, the low-level radioactive waste siting process is ongoing in many states. As the 1993 deadline approaches, many States, both individually or in regional compacts, have begun to select and study candidate sites for disposal facilities. To date, all these candidate sites have been in locations isolated from the population centers and facilities.

Mr. Speaker, when the Congress enacted the 1980 and 1985 Low-Level Radioactive Waste Acts, we did not have the foresight to prescribe specific siting criteria. In fact, authority to do so was delegated to the Nuclear Regulatory Commission [NRC]. In turn, the NRC developed four performance based objectives by regulation to protect the public health and safety and minimize the long-term burden on society. The objectives set out in regulation by that NRC attempt to ensure: First, protection from releases of radioactivity, second, inadvertent intrusion, third, safe operations, and fourth, site stability.

Unfortunately, we find ourselves today in the position where States are selecting candidate sites in locations that run contrary to common sense—in proximity to residential neighborhoods, schools, and other public facilities. Common sense dictates that if one of the objectives is to secure a site from public intrusion, we shouldn't locate a site in a neighborhood where the likelihood of school-aged children wandering onto the sites is great.

This is one reason why I am introducing the Low-Level Radioactive Waste Policy Act Amendments of 1991 today. The NRC has recommended in its regulatory guidelines that low-level waste facilities be at least 2 kilometers from residential boundaries. My bill seeks to codify this as a siting requirement and further protects the public health and safety by increasing the threshold distance to 5 kilometers between the site and residential boundaries or facilities that primarily serve children such as schools and community centers.

This siting criteria will move States in the direction of at least ensuring that whatever screening techniques are utilized to select an environmentally safe site, that it at least will not be near housing or schools.

The second provision of this bill seeks to ensure that the waste that is sited in States is

the least dangerous by reclassifying class C waste from the low-level radioactive waste program into the high-level radioactive waste program. NRC regulations currently allow three classes of waste for near-surface disposal: class A, class B, and class C. Low-Level radioactive waste typically contains both short-lived and long-lived radionuclides. Three important time intervals are relied on in setting the waste classification system. One is the length of time the Government will actively control access to the site—an upper limit of 100 years was used. The second is the expected life of the waste form—a 300-year period of life expectancy was used. The third is the expected lifetime of engineered barriers or assured burial depth, and the time when total failure of the system is anticipated to occur. A 500-year period was assumed.

Of the three categories of waste, class C comprises the smallest volume, but highest levels of radionuclides. In fact, it is class C which requires sites to have both a 300-year stabilization period and 500-year engineered barriers. It has become evident that this waste, primarily from nuclear powerplants, should not be the responsibility of the States, but rather the Federal Government.

My bill achieves this objective by removing class C waste from the Low-Level Radioactive Waste Policy Act and therefore placing it under the responsibility of the Federal Government in its high-level nuclear waste program. As drafted, any waste greater than class B would be the responsibility of the Federal Government.

As States struggle with the difficult task of siting low-level waste radioactive waste facilities, passage of my legislation will ensure our constituents that whatever site is finally selected, it is not near schools or growing population centers. Moreover, passage of this bill will remove from these sites the most dangerous type of wastes.

It is my hope that these provisions would be acted on soon so States involved in the site selection process would have further guidance from the Congress on protecting the public health and safety.

H.R. 2608—COMMERCE, STATE, JUSTICE CONFERENCE REPORT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. HOYER. Mr. Speaker, I rise today to voice my support for the conference report on H.R. 2608, the Commerce, Justice, State appropriations bill.

Mr. Speaker, the chairman of the subcommittee, Representative NEAL SMITH, the ranking minority member, Representative HAL ROGERS, and the other members of the committee worked diligently to bring back a strong bill.

The conference agreement includes $696 million for the Office of Justice Programs, $89 million more than requested. Within this total, the conferees provided strong support for State and local enforcement grants and juvenile justice programs. The conference agreement also includes a 14-percent increase for the FBI.

With respect to environmental priorities, particularly those pertaining to the State of Maryland and the Chesapeake Bay, the conferees included $1.5 billion for the National Oceanic and Atmospheric Administration for fisheries, marine, environmental and other programs. The report includes $227 million, or 7 percent more than for fiscal year 1991, for national marine fisheries service conservation and management activities and assistance to States.

Mr. Speaker, I want to take a moment to thank the chairman for his and the committee's attention and strong support for funding two other accounts that I have pursued with him: American relations with Eastern Europe and the former Soviet Republics, and the Americans with Disabilities Act.

The conferees have included $30 million within the State Department's foreign buildings account for facilities in the Baltic Republics and other sites in the Soviet Union and Eastern Europe.

I want to thank the committee for its interest in these issues as well as for its continuing interest in political reform in Eastern Europe, as well as for its support for the work of the Helsinki Commission itself.

Mr. Speaker, I also want to make sure that all of my colleagues recall the great fanfare, including a Rose Garden ceremony celebrating enactment of the Americans with Disabilities Act [ADA] on July 26, 1990.

My involvement with the ADA has been one of the most fulfilling experiences of my career. I will not recount today the numbers of Americans who will have the opportunity to participate in the mainstream of American society as a result of the years of work so many dedicated citizens and legislators in the House and the other body devoted to enactment of the ADA.

I do, however, want to make the point that without provision for effective education and information sharing to businesses, and employers who bare new responsibilities for ensuring equal opportunity under the ADA, its enactment will have been an empty and hollow exercise for us all.

Helping business and the disabled to understand their new rights and obligations under the ADA, and providing support for education and enforcement of the act costs money.

As we all know, fiscal year 1992 is not a good year to incur new obligations at the Federal level. None the less, the conferees have provided funds to both the Justice Department and the Equal Employment Opportunity Commission to begin to undertake these responsibilities.

Although I wish there had been more funds available for these activities, the subcommittee dug deep and has made a good start. I want to express my personal gratitude for their effort, as well as the appreciation of every American, those who are disabled and those who are not, who look forward to achieving real equal opportunity for every American.

Mr. Speaker, I urge each of my colleagues to support the conference report.

NATIONAL DAY CELEBRATIONS IN THE REPUBLIC OF CHINA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to commend the Republic of China on its 80th national day on October 10, 1991 and congratulate that nation on the positive changes they have brought about in their nation over the past 5 years.

Throughout its history, the island of Taiwan has played an integral role in the political struggles of the whole of China. Its modern history begins in 1945, with control over the island returning to the Republic of China. Unfortunately, in a few years, the island would become the last bastion in China for the nationalists. In late 1949 and early 1950, Chiang Kai-Shek and his nationalists completed a massive withdrawal to the island of Taiwan, where the seat of the Republic of China resides today.

Over the subsequent 40 years, the Republic of China, realizing that the struggle against the communists would be a difficult, long process, established a first-rate military defense, a modern economic base, and a democratic and free state.

When viewed from a historical perspective, the political developments over the past 40 years in the Republic of China are extraordinary. However, it is the most recent developments over the past 5 years which demonstrate the ROC's continued commitment to democracy. In 1987, the late President Chiang Ching-Kuo initiated political and economic liberalization measures enabling his people to enjoy much greater political and economic freedom. Most important among these liberalizations was the repeal of emergency provisions prohibiting the formation of new political parties.

After President Chiang's passing on January 13, 1988, President Lee Teng-Hui continued his predecessor's reforms with conviction. Taiwan stands today as a model of democracy and free market values. Its prosperity and its people have one of the highest standards of living in Asia, and it is my hope, as well as of many of my colleagues, that the Republic of China on Taiwan will never waiver in its determination to expand economically and to grow politically in the future.

Mr. Speaker, I invite my colleagues to join me in expressing heartfelt congratulations to the Republic of China on the occasion of its 80th national day on October 10, 1991 and for their commitment to democracy and freedom.

TRIBUTE TO NANCY BELSKY: WINNER OF THE 1991 PRESIDENTIAL AWARD FOR EXCELLENCE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to an outstanding elementary

school teacher from my home State of New Hampshire. Nancy Belsky, a Mathematics teacher at Westmoreland School, has been selected as one of the recipients of the "1991 Presidential Awards for Excellence in Science and Mathematics Teaching for Elementary Teachers".

The National Science Foundation recognized Nancy for her outstanding teaching methods and for the example she has set for others in her field. In addition to the award, the National Science Foundation will make a $7,500 grant to the Westmoreland School which will be used under Nancy's direction enhance mathematics programs and to supplement other resources.

Nancy qualified for this award by creating innovative programs and teaching methods, such as a "hands-on" teaching techniques using real-life simulation, and kite making and flying.

Mr. Speaker, I am also pleased to note that Nancy is one of only 108 elementary school teachers nationwide chosen to receive this award. The people of New Hampshire are very proud of her.

Nancy is more than just an outstanding specialist in mathematics, she has also devoted her time and energy to her students outside of the classroom by serving as yearbook advisor and mathcounts coach.

Mr. Speaker, I ask my colleagues to join me in congratulating Nancy Belsky on receiving this most-deserved award. It is reassuring to acknowledge that there are still dedicated and hardworking individuals devoting their lives to our nation's children and the future of the country.

THE 50TH ANNIVERSARY OF THE NAVAL WEAPONS SUPPORT CENTER, CRANE, INDIANA

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. McCLOSKEY. Mr. Speaker, for the past 50 years the Naval Weapons Support Center, Crane, IN has served the Nation's defense needs in an unparalleled manner. The southwest Indiana Naval Weapons Support Center has served the country faithfully through World War II, the Korean war, the Vietnam conflict, Grenada, Operation Just Cause in Panama and recently in Operations Desert Shield and Desert Storm. Crane continues to support the Nation in the aftermath of Operation Desert Storm in its logistical function of storing thousands of munitions in the more than 2,000 magazine facilities on Crane. It represents a true national asset, ready to serve the defense needs of the country for decades to come.

The center was named after the Navy's first Chief of the Bureau of Ordnance, Cmdr. William Montgomery Crane, who established a reputation for excellence in engineering. Crane's original mission and purpose when it was established on December 1, 1941, was to prepare, load, renovate, receive, store and issue all types of ammunition, including pyrotechnics and illuminating projectiles, and to act as a principal source of supply at a most critical time during the early days of World War II. Over the years, the Crane mission has expanded from its sole function in the field of Army ammunition to a Naval Sea Systems Command Center of excellence that employs more than 4,000 highly skilled civilian engineers, physicists, technicians and workers who support research, production, troubleshooting and design in microelectronics technology, microwave components, acoustics sensors testing, electronic warfare, electrochemical power systems, conventional ammunition engineering, pyrotechnics and small arms. The Crane Army Ammunition activity on Crane is a tenant activity and part of the U.S. Army Armament, Munitions and Chemical Command, Rock Island, IL, employing more than 700 people.

The nearly 5,000 employees of the Crane Naval Center provide a strong presence in southwest Indiana communities surrounding Crane. Crane is the largest industrial employer in southern Indiana and will generate more that $150 million over the next several years. Crane has hundreds of buildings which include overhaul and storage facilities that are linked by a 175-mile railway system and more than 380 miles of roads.

The vast facility includes 63,000 acres of land which feature an innovative forestry program of hardwoods that are harvested through a natural conservation program and shared with the public through various community projects. Nearly all surrounding communities have received assistance in the form of excess materials and properties, in particular, the building of homes for the homeless by the Habitat for Humanity. Despite its demanding defense mission, Crane established these innovative community service programs, garnering recognition and receiving numerous prestigious environmental awards in the process.

Crane also participates in the local community by promoting mathematics and science education by providing assistance to teachers in more than 40 southern Indiana schools through its visionary School Partnership Program. Crane also has established partnerships in continuing engineering education programs with Vincennes and Purdue Universities.

Crane has banded with the Naval Avionics Center, private manufacturers, and State and local government to bring an exciting new facility, the Electronics Manufacturing Productivity Center to Indianapolis, IN. In a realignment of the Navy command structure, Crane will gain the Naval Ordnance Station at Louisville, KY, a new division of the Naval Surface Warfare Center. Through these partnerships with Naval Avionics Center, the Electronics Manufacturing Productivity Center and the incorporation of the Louisville center, Crane is preparing itself for excellence and service in the technically demanding and cost-conscious Navy of the 21st century.

The Naval Weapons Support Center, Crane, IN and its nearly 5,000 military and civilian employees are to be congratulated for their critical contributions to the nation, the Department of Defense and to the State of Indiana on the occasion of its 50th anniversary, October 12, 1991.

BEST WISHES ON THE OCCASION OF TAIWAN'S 80TH NATIONAL DAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GILLMOR. Mr. Speaker, in recognition of the economic and political growth engineered over the last few decades by the Republic of China of Taiwan, I would like today to extend my support and best wishes on the occasion of Taiwan's 80th National Day.

Recently, I was fortunate to have an opportunity to visit Taiwan. During my stay, I was impressed by the spirit and enthusiasm of the people of Taiwan, and I support the efforts of their leaders to bring even greater democracy and prosperity to the Republic of China.

Congratulations to our Chinese friends and their leader, President Lee Teng-hui of the Republic of China on Taiwan, on this day of celebration.

THE CHINESE ON TAIWAN HAVE A LOT TO CELEBRATE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. YATRON. Mr. Speaker, October 10, 1991 will commemorate the Republic of China's 80th birthday. The Chinese on Taiwan have a lot to celebrate. Evidence of the still flourishing Taiwanese economy is a new 6-year national construction plan that has a total budget of $303 billion. I hope that United States companies will aggressively bid for these projects in order to further decrease Taiwan's trade surplus with the United States.

Apart from its continuing economic success, Taiwan's program of democratization is on track and going forward with dramatic speed. In the very foreseeable future, lawmakers elected on the mainland will be replaced by those born on the island. Other political reforms, such as constitutional reform under the leadership of President Lee Teng-hui, will further Taiwan's place as a showcase of democracy in Asia.

It is certainly in our best interest to see an economically strong and politically progressive Taiwan. So on October 10, Taiwan's National Day, I extend my best wishes to the people of the Republic of China.

INTRODUCTION OF THE EL SALVADOR PEACE AND SECURITY ACT OF 1991

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEVINE of California. Mr. Speaker, today I am introducing legislation that will bolster the prospects for peace in El Salvador and make clear the view of the U.S. Congress that any future military assistance to El Sal-

vador must be conditioned on respect for human rights. Mr. BERMAN, MR. KOSTMAYER, and Mr. FEIGHAN have joined me as original cosponsors of this bill.

This legislation closely parallels a proposal introduced by Senator DODD and LEAHY. The main difference is that our bill updates certain policy language to reflect important changes that have taken place in El Salvador's political situation.

There are reasons to be hopeful that an end to the civil war in El Salvador is close at hand. Late last month, through the agile and committed leadership of U.N. Secretary Perez de Cuellar, the Government of El Salvador and the FMLN signed a political agreement establishing a framework for the process of national reconciliation. This agreement has been heralded by both of the parties as a watershed event in the tragic history of the Salvadoran civil war. The United States must not miss this opportunity for peace and should use its influence to ensure that this progress in negotiations is not only preserved but also built upon to facilitate a permanent cease-fire and to make a national reconciliation a reality.

It is precisely for this reason that we are introducing the El Salvador Peace and Security Act of 1991. The central focus of the legislation is to keep the parties negotiating within the framework of the U.N. agreement and in good faith. Under the terms of this legislation, military assistance to El Salvador may be terminated if the Government fails to continue to negotiate with the FMLN. Conversely, none of the assistance authorized in this bill would be withheld from the Government if the FMLN fails to continue to negotiate in good faith. This cut-off-in-funding mechanism provides a compelling incentive to both parties to stay engaged in the negotiation process.

Aside from the recent developments in the peace process, significant changes also have taken place in the status of the trial of the murdered Jesuit priests at the University of Central America. Last weekend, a jury convicted two of the nine defendants for their involvement in the killings. While this is an unprecedented event in that the veil of immunity traditionally extended to members of the Salvadoran military for involvement in human rights abuse has finally been pierced, the trial failed to produce a just result in some very substantial ways. For instance, numerous defendants who admitted to the killings were acquitted on the grounds that they were simply carrying out orders. Additionally, the judicial process failed to account for all of the military officials implicated in the murders. Persuasive evidence, suggesting that the order to execute the Jesuits was given by higher ups, continues to linger.

This bill also addresses the human rights problem in El Salvador. It provides for a cut-off of aid to El Salvador if the Government fails to investigate and prosecute to the fullest extent of the law all those responsible for the murders of the Jesuits including high ranking officials who authorized or covered up these crimes.

I am hopeful that enactment of this bill will accomplish two objectives: to facilitate an expeditious and lasting peace to El Salvador and to foster greater respect for human rights.

I have attached a summary of the legislation that I ask to be included at the end of this statement.

SUMMARY OF LEVINE BILL ON EL SALVADOR

(1) Policy Objectives: Sets forth the following policy objectives:

To promote a permanent settlement and cease-fire to the Salvadoran conflict through the mediation of the U.N. Secretary General;

To foster greater respect for basic human rights and the rule of law; and

To advance political accommodation and national reconciliation.

(2) Funding Cap: Caps Military Assistance at $69 million for FY '92.

(3) Funding Prohibition: Prohibits all U.S. military assistance to El Salvador if the President determines and reports to Congress that:

The Government has failed to negotiate in good faith;

The Government has ceased to support the mediating role of the UN Secretary General;

The Government has not acted in good faith to carry out its portion of the UN-brokered agreement of September 25;

The Government has failed to conduct a professional investigation into evidence of involvement or subsequent cover up of high ranking Salvadoran military officials in the murder of the Jesuits;

The military and security forces of El Salvador are assassinating or abducting civilians.

The determination made under this section must be made in accordance with the reprogramming procedures of the Foreign Assistance Act.

(4) 50 Percent Withholding of Funding: Withholds 50 percent of U.S. military assistance available to El Salvador in FY '92, and 50 percent of any existing military assistance in the pipeline, unless the President determines and reports to Congress that:

The FMLN has failed to negotiate in good faith;

The FMLN has ceased to support a mediating role for the UN Secretary General.

The FMLN is not acting in good faith to carry out its portion of the UN-brokered agreement of September 25;

The survival of the constitutional government of El Salvador is being jeopardized by a substantial military offensive by the FMLN;

Proof exists and has been provided to Congress that the FMLN continues to receive military assistance from foreign sources;

The FMLN is assassinating or abducting civilians.

The determination required under this section must be made in accordance with the reprogramming procedures of the foreign assistance act.

H.R. 2519, VA–HUD CONFERENCE REPORT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. HOYER. Mr. Speaker, I rise today to thank the chairman of the VA–HUD and Independent Agencies Appropriations Subcommittee and the members of the subcommittee for their diligence and attention to some of the most important domestic concerns we face in the conference report on H.R. 2519.

As we all know, this subcommittee has jurisdiction over a set of the most disparate accounts conceivable, including veterans cemeteries and medical care, manned space exploration and space science, public and subsidized housing, and hazardous waste disposal.

Reconciling important national priorities with very scarce resources, gives Chairman TRAXLER and his subcommittee one of the toughest jobs in the House.

The conference agreement reflects their strong efforts to provide adequate funds for important programs. They deserve our gratitude.

The conference agreement includes $1.5 billion for title II of the National Affordable Housing Act, the Home Investment Partnerships Program. The home program provides support for State and local jurisdictions to increase the supply of affordable housing in this Nation—perhaps the most pressing concern for Americans in many communities throughout the country.

The home program will allow communities to work toward increasing affordable single- and multi-family and housing with a new degree of creativity and flexibility.

The committee's decisions in this regard make it a full participant in efforts to empower and expand opportunities for low and middle income Americans. Housing authorities, advocates, and nonprofit sponsors of low and middle income housing in the State of Maryland are fully prepared to take advantage of these expanded opportunities, and I again want to thank the chairman and the subcommittee for their attention and responsiveness.

Mr. Speaker, this bill also includes other provisions that are noteworthy, including funding for the renovation and conversion to low income single-room occupancy apartments of a motel in New Carrollton, in my district. As we all know, affordable housing is a very scarce commodity, especially in the Washington metropolitan area. The difficulty that local residents face in finding adequate housing, however, pales beside the problems confronting the minimum wage worker, the disabled, and the relatively young who have limited incomes but are otherwise prepared to live independently.

Again, I want to express my appreciation to the committee for including this project, which will help Prince Georges County to reach the goal of significantly expanding affordable rental housing units in the next 5 years.

Mr. Speaker, my time is limited, but I would also like to mention a few other projects which were included in the conference report which will benefit the Nation and the State of Maryland.

The committee included $20 million for the Christopher Columbus Center for Marine Biotechnology in Baltimore. These funds will help assure that the Columbus Center remains in the forefront of efforts to maintain America's leadership in the budding field of marine biotechnology. When America's leadership is being challenged in so many areas, this subcommittee wisely chose to invest in America's future.

The committee also included funds for the Chesapeake Bay water quality model and the Patuxent River. Again, the committee has cho-

sen to support research and programs that improve and protect our natural resources and enhance the quality of life for future generations.

Mr. Speaker, I have briefly described only a few of the items that are praiseworthy in this bill.

Once again, I want to express my appreciation to the subcommittee chairman, BOB TRAXLER, The ranking member Representative GREEN, and the entire subcommittee for their attention to important domestic programs. I strongly support the conference report and urge all of my colleagues to do so as well.

SUPPORT UNEMPLOYMENT EXTENSION

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. POSHARD. Mr. Speaker, I rise in strong support of the conference report on S. 1722, which both the U.S. House of Representatives and Senate have approved. This emergency extension of unemployment benefits is desperately needed, and I wish to state my support for this legislation in the strongest possible terms.

I wish to emphasize how vital this effort is to the working men and women of southern Illinois. I am deeply concerned that without some assistance, and for my State it would be only 7 additional weeks, these fine people will suffer even further.

I support the extended unemployment compensation package because it recognizes the emergency here at home. I am not oblivious to world events, and I am glad to know the President is not either. That is in part why the people elected a President. But they also elected him to guide our domestic affairs, and I must say I believe the President is misguided in his decision to veto this bill.

We are proposing to supply long-term unemployed workers with a little breathing room. I do not believe American workers want anything more than the chance to continue their job search while keeping their pride and dignity intact. They want to work, not collect unemployment, but if that is their only option until their situation improves, it is a reasonable last resort.

The unemployment trust fund has a sufficient balance to afford this expenditure. After all, that is the reason for its existence, and if this isn't an emergency, I would hate to see what is. There is definitely an emergency in my district, and as I look around the country, I suspect our situation is not much different from everywhere else.

I urge President Bush to take a second look at this position on this bill. I know we have declared emergencies for people overseas, and I do not begrudge them that aid, but I certainly don't want it to come at the expense of our people here at home.

I am proud to stand with the large majority of my colleagues who see this emergency extension of unemployment benefits as the right thing to do, and will continue my efforts to encourage the President to sign this bill.

THE ADMINISTRATION'S MISGUIDED ISRAEL-BASHING

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SWETT. Mr. Speaker, I join many of my colleagues in the Congress in expressing my profound dismay at the administration's decision to oppose until January 1992 the consideration of housing loan guarantees to assist Israel in its massive effort to resettle Jewish refugees from the Soviet Union, Ethiopia, and other countries.

The Government and people of Israel will take the grave risks for peace in the Middle East only if they are convinced that the United States is supporting them in the difficult and perilous decisions they will have to make. The policies which the administration is pursuing are self-destructive and will not lead to the conclusion of the peace agreement we all so earnestly seek.

Mr. Speaker, today's Washington Post published an excellent Oped piece by Lally Weymouth which discusses intelligently and perceptively the negative impact of the administration's policies on the goals we are pursuing. I ask that this article be placed in the RECORD, and I urge my colleagues to give it serious attention.

[From the Washington Post, Oct. 3, 1991]

BUSH'S MISGUIDED ISRAEL-BASHING

(By Lally Weymouth)

TEL AVIV.—The Bush administration has shrewdly disguised its real intention—to gain leverage over Israel at the upcoming peace conference—by arguing that Washington merely wants a 120-day delay before it grants Israel U.S.-backed loan guarantees. President Bush initially maintained that his sole goal was to enhance the likelihood of success at the impending U.S.-sponored conference.

The administration subsequently argued that, particularly during a recession, U.S. tax dollars should not—even indireclty (loan guarantees, after all, are not foreign aid)—fund settlements in the territories Israel seized in 1967. President Bush, it is well to note, has yet to explain why it was appropriate for Washington just this year simply to forgive Egypt's $7 billion debt to the United States.

Bashing the Israelis—and Americans who support Israel—proved popular: polls appear to show that most of the public backs the President. As an added bonus, from the administration's standpoint, Bush managed to create an unprecedented rift between American Jews—anxious to avoid a confrontation with the president— and Jerusalem.

Some members of the Israeli opposition, the Labor Party, view the conflict between the Shamir-led Likud government and the American president as a prospective opening for a Labor comeback. Indeed, some ranking Laborites have actually gone to Washington to urge the administration to keep the pressure on Shamir.

But the Bush initiative is profoundly misguided. To achieve a genuine agreement of any kind between Israel and its Arab neighbors, Israel must appear to be strong; the Arabs must perceive the U.S.-Israel alliance as close, and the Israeli prime minister must trust the U.S. administration.

Washington's attacks on Israel, its disparaging personal remarks about the Israeli prime minister, its demand for unilateral concessions from Israel in advance of the conference, and the administration's apparent effort to use U.S. pressure to bring to power a more moderate, Labor-led government in Jerusalem have all served to make Shamir dig in his heels.

Now, on the eve of the U.S.-sponsored peace conference, the Israeli prime minister has decided to adopt a new strategy: it was reflected in an uncompromising interview he gave me last week. Shamir will speak out publicly to let Washinton know just where he stands: although he will attend the upcoming conference, he has no plans to change his fundamental positions. Shamir holds that there will be no territorial concessions: "We are * * * the owners of these territories * * * This land belongs to us.

If the administration genuinely wants to bring about a political settlement between the Arabs and the Israelis, it must take into account Israel's need to be military secure and on close terms with the United States. Washington should also understand that Israel can only be asked to take risks for peace—and any concession on territory represents a risk—if its qualitative military edge over the Arabs is maintained.

Ironclad U.S. security guarantees, including an American troop presence, are one path toward this goal. It should, of course, be noted that longterm mistrust of Washington's ability to keep commitments—from Saigon to Beirut—makes even this a problematic solution.

The best viable alternative is to persuade the Arab countries to substantially reduce their vast conventional forces. Unless Arab conventional superiority over Israel is essentially eliminated, Israel is in no position to surrender territory.

Shamir and his government understand the seriousness of the threat posed to Israel by Hafez Assad's Syria. For one thing, Syria maintains a standing army of 11 divisions, while Israel maintains only three standing divisions. (At present, it requires 48 hours for Israel to call up its reserves.) Moreover, Syria has an ample supply of chemical weapons. And now there is strong evidence that Damascus is developing a sophisticated nuclear program, thanks to assistance from China.

Thus was Jerusalem especially disconcerted by the apparent American decision to represent Syria—long a sponsor of anti-Western international terrorism—as a new regional diplomatic ally. (On Sept. 1, as it happens, in a hushed-up development, a group of terrorists were arrested in Egypt. They had planned to attack an American ship in the Suez Canal, using rockets and missiles. The group was based in Damascus.)

Should the administration recognize a need to change directions, as it almost certainly will, Washington's recent experiment in Israel-bashing has rendered its task more difficult. This is particularly true if it elects to station U.S. troops in the Middle East in a peace-keeping capacity and needs to convince the American public of the wisdom of this path.

CENTER FOR ENTREPRENEURIAL OPPORTUNITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MURTHA. Mr. Speaker, I want to take this opportunity to discuss the establishment of a Center for Entrepreneurial Opportunity at Seton Hill College located in Greensburg, PA. Seton Hill College an outstanding liberal arts college founded by the Sisters of Charity, takes pride in its 73-year history of leadership in higher education for women. Recently, Seton Hill College was chosen "one of the 100 best buys in private education in the country" by Money magazine.

There is a clear need in both the existing entrepreneurial and the would-be entrepreneurial community for the kind of education and training to be provided through the Seton Hill Center for Entrepreneurial Opportunity. A comprehensive study by the Pennsylvania Economic Development Partnership Board concluded that the women businessowner is an untapped resource that needs to be supported, expanded, and capitalized in the Nation.

Prior to 1970, women owned less than 5 percent of the country's businesses. Today, they own 30 percent of the businesses overall. The U.S. Small Business Administration predicts by the year 2000 more than one-half of all nonfarm businesses will be owned by women. Women today are entering new areas of business with increases shown in high tech services, manufacturing, insurance, and legal services. In publicly held firms, women fill at the most 3 percent of high executive jobs. In family-owned businesses, they hold 33 percent of the executive positions. Without appropriate preparation for the steps they take in starting new businesses, their risk for failure is high.

Here are a few examples of specific cases I have run into in my region alone. There are thousands of more examples. A woman with her husband owned a trash hauling business. The couple had nine children. Her husband died a few years ago. When the widow went to the bank to request continued financing the tone was very negative. This was not the case when her husband was alive. Obviously, the bank felt uncomfortable lending money to a woman for a typically defined male-dominated business such as trash hauling.

A woman in business for herself said during the first few years her arts supply company was in business, she signed all business correspondence "C. Morreo." She indicated "I picked up right away that I'd get better results if I didn't use my full name."

Many women I have spoken with do not have credit in their own names. They don't know where to go for money or how to deal with banks or other lending institutions. They admit being too shy about asking for financing, discussing financing, or asking tough questions.

The objectives of the Center for Entrepreneurial Opportunity are to address situations such as these by offering educational assistance to women across the country who wish to start a new business, expand a business, or take over the management of an existing business. The primary goal of the center is to prepare women to run businesses that will succeed. To achieve these goals, the Center for Entrepreneurial Opportunity will focus on educating women on how to handle the finances of running a business, offer advice or solving problems specific to a woman-owned business, publish educational newsletters and reports on needs and responses to the problems of women-owned or managed businesses, coordinate regional networks of women businessowners who will assist in the education of other women, and provide seminars in the region responding to the needs of women.

Women are becoming entrepreneurs at such a fast rate that fathers are now considering their daughters to take over their business for the first time rather than the way it used to be, whereby a father would only be succeeded by a son or son-in-law. There are many conflicts involved and special needs that need to be addressed when a woman becomes the head of a company. Employees may be doubly hard on a daughter when she takes over her father's business. Customers who are used to dealing with a man on top, may not treat a woman owner with respect. Women have to work twice as hard to prove themselves when on top of a family business.

Seton Hill is particularly well-positioned to provide education and information sharing. Of the 50 States, Pennsylvania ranks fifth in its concentration of women-owned businesses. The environment at a womens' college—where role models in leadership and achievement abound—is the ideal environment for women to learn management skills and feel empowered to succeed. Our center will help women deal with their unique entrepreneurial problems and send a message to American women that their work is taken seriously.

Mr. Speaker, I appreciate this opportunity to discuss with you today the Center for Entrepreneurial Opportunity at Seton Hill College.

THE INDOMITABLE SPIRIT OF MRS. THANG LE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. CUNNINGHAM. Mr. Speaker, as one who has witnessed both the wondrous development of three beautiful children, as well as the life-robbing horror of war, I am still amazed by the joyous, unexplained phenomenon that can only be described as a miracle.

Recently, friends and family celebrated the miraculous recovery of Mrs. Thang Le of San Diego, California. Mrs. Le's triumph is a welcome relief to those who love and know her, and it should be an inspiration to us all.

Having fled the tyranny and oppression of communist Vietnam in 1979, Mrs. Le, her husband and daughter quickly embraced their new American homeland. After earning United States citizenship, Mrs. Le became a familiar spectator at weekly naturalization ceremonies. She would often register other newly naturalized citizens to vote, a privilege she is proud to exercise.

Earlier this year, Mrs. Le was diagnosed with a rare form of brain cancer. Doctors expected her to either slowly succumb to the disease or not survive a complicated operation.

I am proud and pleased to announce to you, Mr. Speaker, and my distinguished colleagues of the House of Representatives that Mrs. Thang Le not only endured the surgery but is now anticipated to make a full and complete recovery.

I am certain that this modern miracle could not have been achieved without the strong and loving support of the Le family who comforted and prayed for her.

The miraculous story of Mrs. Le's faith and courage triumphant against long odds is hereby memorialized into this permanent RECORD of the Congress of the United States.

TRIBUTE TO MILES DAVIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. DELLUMS. Mr. Speaker, one of the true geniuses of American music in this century is no longer with us. After a life filled with personal pain, physical agony—and incredible musical accomplishments—Miles Davis has passed into eternity.

From the time he left an achievement-oriented family in East Saint Louis, Illinois, to go east to the Juilliard School of Music in New York City, Miles Davis was a musician of rare potential. His stay at Juilliard was a short one because he soon moved on to the challenge of the improvisational jazz clubs that festooned Fifty-Second Street in the late 1940's and early 1950s. There he developed his inimitable muted trumpet style, while playing with such jazz immortals as Charley Parker, Cannonball Adderly and, later, among others, John Coltrane and the young Herbie Hancock.

In 1949 he recorded his first hit album—"The Birth of the Cool." It was an immediate sensation among jazz afficianados, and marked the first truly innovative departure in the culture of jazz trumpeting since the early days of Louis Armstrong.

At the Newport Jazz Festival in 1954 Miles Davis first came to the attention of a wider listening audience, with his virtuoso rendition of "Round Midnight." The tumultuous standing ovation that he received seemed to inspire him to make new forays into uncharted muscial waters.

This resulted in a series of extraordinary albums in the next dozen years that included: "Walkin'", with the Miles Davis All Stars; "Miles Ahead"; Kind of Blue"; "Sketches of Spain"; "Sorcerer"; "Seven Steps to Heaven"; and "Miles Smiles". During this period he also recorded two albums, "Porgy and Bess" and "My Funny Valentine", that featured moving interpretations of "old standards."

In later years, between recurring bouts of illness and other afflictions, his creative musical melancholy came through in such albums as "Jack Johnson", "On the Corner", and his 1980 rendition of "The Man With The Horn."

Miles Davis's life-song has ended—but the legacy of his music will linger on. He was—and will remain—a musical treasure trove for the people of this Nation and the planet at large. So Miles, a eulogy of thanks and appreciation for your magical music and the happy memories it has evoked in so many for so long.

TRIBUTE TO ROGER MOORE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. CAMP. Mr. Speaker, it is with great admiration that I rise today to congratulate Roger Moore on being named an Outstanding School Principal in America. His commitment to service and excellence in education certainly demonstrates how much he deserves this award.

Tomorrow, Mr. Moore will be officially honored as one of the 1991 National Distinguished Principals. He has had a long and prosperous career in the Lake City, MI, school system and is admired and esteemed not only in the principal's office, but also in the classroom, on the playing field, and in the hallways of the schools.

After receiving his degrees from Adrian College and Central Michigan University, Mr. Moore began his career in Lake City as a teacher in September 1969. Throughout the years he excelled not only as a teacher, but as athletic director, as transportation director, and as principal of the middle school. In 1984, Mr. Moore became principal of Lake City Elementary School.

Mr. Moore is an inspiration to the students, the parents, and the community. He is a leader of the Kiwanis and is active in the First Presbyterian Church. With his wife Cindy, and children Chad and Ryan, Mr. Moore is a role model for the importance of education, family, and community involvement.

Mr. Speaker, please join me in congratulating Mr. Moore. While he may be awarded a National Distinguished Principal of 1991, he will be an outstanding school principal, teacher, family man, community leader, and friend for many, many years to come.

SCHOLARS' GALLERY

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LANCASTER. Mr. Speaker, today I am introducing a resolution to establish a scholars' gallery in the House of Representatives. Academics are presently barred from the press galleries, and those who sit in the public galleries are not allowed to take notes. This resolution simply amends the rules of the House to require the Speaker to set aside a portion of the gallery for the use by scholars of Congress. Scholars would be admitted to this gallery under regulations prescribed by the Speaker.

In a Roll Call article, Nelson Polby, director of the Institute of Governmental Students at the University of California at Berkeley, noted the following:

> Unlike employees of the Nation's news media, professional scholars of Congress have no regular, institutionalized, independent access to Congress. There is no such thing as a scholars' gallery, where professionals studying Congress for the purpose of writing books or scholarly articles might perform such elementary tasks as taking notes or gathering up news releases.

I learned of this anomaly when my wife, a college social studies instructor, was asked to refrain from taking notes during a debate she had come into hear.

I am urging my colleagues who have not yet done so to cosponsor this resolution that will enable serious studies of the Congress to study, first hand, the proceedings conducted in the House of Representatives and record in notes their observations and impressions of our work on this floor.

DOUBLE TENTH

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. TALLON. Mr. Speaker, our friends in Taiwan will soon be celebrating the Double Tenth, their version of our July Fourth, held on October 10. As we know, the Republic of China was founded in 1911 by Dr. Sun Yat-sen. Dr. Sun overthrew the Ch'ing Dynasty and ushered in a modern democratic republic founded on the principles of nationhood and liberty.

Now, 80 years later, on the island of Taiwan, Dr. Sun had finally realized his dream of building a modern nation which is free and prosperous. It is my hope that the Republic of China will continue to have good fortune and good economic and political growth into the future.

FORWARDING ORDER EXPIRED: THE BUCK STOPS HERE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BROOMFIELD. Mr. Speaker, today the House is completing its work on the Postal Service appropriation for fiscal year 1992. We should not, however, fool ourselves by thinking that our work vis a vis the Postal Service is complete.

Postal management may ignore the complaints that pour in daily about their arrogant policies and indifferent service; this body cannot.

A management review is badly needed and long overdue, yet the Committee on Post Office and Civil Service Committee continues to shield the Postal Service from scrutiny.

As my friend Ray McGrath said last night, the time for stalling and passing the buck is past. So long as the Government maintains responsibility for the Postal Service, we in Congress have an obligation to do something about the mail problems that affect every person in this country.

My resolution, House Resolution 194, is a start. It asks the President to create a commission to take a good hard look at the Postal Service. I hope my colleagues will join me in cosponsoring this important legislation.

HONORING DR. GWEN THOMAS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ENGEL. Mr. Speaker, it is my distinct honor to extend congratulations and best wishes to Dr. Gwen Thomas, who is being honored this week upon her retirement from service in the New York City public school system.

I have known Gwen Thomas for many years, and I can personally attest to her dedication and commitment to excellence. Every student, family, teacher and administrator who has worked with her knows of the thoroughness and understanding Gwen brings to the job. Her attributes will be missed but her legacy will live on, especially at Public School No. 68, where she most recently served as principal.

Clearly, our Nation and our communities need more people like Dr. Gwen Thomas. In her retirement, I know Gwen can reflect on all the lives she has touched in a positive way and recognize that her career has made a difference for so many people. On behalf of my constituents, and on a most personal level. I offer thanks to Gwen Thomas and wish her good luck and good health.

MIKE ADRAY: DEARBORN CITIZEN NO. 1

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. DINGELL. Mr. Speaker, I rise today to honor a very special friend who lives in my congressional district, Mr. Michael Adray, on the occasion of his 70th birthday. I am delighted to take this opportunity to salute the truly remarkable contributions Mr. Adray has made to our community.

Proclaimed as Dearborn's No. 1 citizen, Mr. Adray is president and owner of Adray Appliance and Photo Center Inc., in Dearborn. For over a quarter of a century, in Dearborn and throughout southeastern Michigan, Mr. Adray has helped thousands of people by taking leadership roles in amateur athletics, higher education, and other community causes.

Mr. Adray has worn many hats in his career. He was a tool and die maker at Ford Motor Co. He was a bombardier-navigator in the Army Air Corps. He returned to work at Ford Motor Co., while attending mechanical engineering classes at Henry Ford Community College and Wayne State University, as a production process engineer, and launched his business in 1955.

Mr. Speaker, throughout his career, Mr. Adray has demonstrated a remarkable diversity and worth to his community, often helping to raise much needed money for community projects. Mike and his wife, Louise, contributed academic college scholarships to the Adray Community Hockey League and I commend Mike Adray's commitment to America's young athletes, which goes well beyond dollars and cents. In 1956, he sponsored his first class E baseball team. He now sponsors 1,138 Little League teams, as well as numerous baseball teams, softball teams, basketball teams, in addition to a 100-member wrestling club. President of the All-American-Amateur Baseball Association in 1981-1983, Mr. Adray sponsors three Adray Baseball Leagues throughout Michigan. Among his numerous awards for such dedication, Mr. Adray received Sponsor of the Year Award from the American Amateur Baseball Congress. He has also received the United Foundation Sportsman of the Year Award 1982–83, and has been honored with the Michigan Sports Hall of Fame and the Amateur Softball Association Hall of Fame.

Mr. Adray has hit home run balls for health care institutions and the medical profession in his capacity as chairman of the Oakwood Hospital Foundation Board of Trustees in 1988, and as a member of the board of trustees of Henry Ford Hospital, and has chaired with determination Dearborn's American Cancer Society.

A leading figure in the business community, Mr. Adray is director of Dearborn Bank and Trust, and is a member of the Governor's Entrepreneurial and Small Business Commission. For his service to the business community, in 1982 he received the chamber of commerce Outstanding Citizen of the Year Award and in 1986 was awarded an honorary doctor of humanities from the Detroit College of Business.

Mr. Adray's life has also been filled by the love of his family and many, many friends. Mr. Speaker, you can see that Michael Adray is truly deserving of recognition. Let us therefore rise as a body and pay our tribute to Mr. Michael Adray, who in addition to being a hardworking and successful businessman and huge community leader, is a great American and a man I am proud to call my friend.

FIRST UNITED METHODIST CHURCH: DOWNTOWN MIAMI'S BEACON OF LIGHT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Ms. ROS-LEHTINEN Mr. Speaker, I am pleased to recognize the First United Methodist Church, which was recently featured in the Miami Herald. The article by Bea L. Hines tells of how the church has served as a beacon of light to the downtown area, throughout the city of Miami's history since 1896:

It occupies a corner of downtown Miami and its neighbors are Bayside, banks, hotels and parking meters. Elderly citizens and homeless people find warm food and friends under its roof.

This is First United Methodist Church of Miami at 400 Biscayne Blvd. In the heart of downtown, it is "a beacon of light to the city," says Ed Simon, 77, a member since 1946.

First United Methodist was born out of a merger in 1966 of two of Miami's pioneer churches (White Temple, organized in 1896, and Trinty, which began two years later in 1898). Its members recently celebrated the church's 95th anniversary.

According to William Barnes, pastor of the church for the past seven years, the church has a membership of about 1,014, "with about 220 regulars attending Sunday morning worship," he said.

Dorothy Phelps, 85, still drives to Sunday morning services from her home in Coconut Grove. She has been a member since 1920.

Said Phelps, "We have always felt there is a need for the church to be in the city."

"Some [members] feel the homeless are not very inviting, but if Jesus was here, this is where He would be," she said.

Phelps praised the church's younger, new members who also see the need, and the Rev. Barnes who, she said, "preaches a passionate and powerful sermon each Sunday."

A widow (her late husband, Grady, was one of the nine men who were incorporators of First United Methodist), Phelps is the mother of two children and the grandmother of four.

"I'm still loving that church," she said. "It's a real part of my life."

At the merger in 1966, Simon was another of the incorporators. He agreed with Phelps that the role of the two early churches had always been to serve the physical and spiritual needs of the community.

Service to the community started with the Spanish-American War, Simon said, when White Temple provided reading rooms for the soldiers stationed here.

Later, in the fall of that year, there was the yellow fever epidemic and the church furnished soup kitchens," he said. "Then, during the first World War, both churches provided recreation rooms and suppers for the soldiers."

Simon said that during the 1926 hurricane, rooms in both churches were converted to emergency hospitals and refugee centers for casualties.

He remembers how even before Fidel Castro, when an influx of Cuban refugees came to Miami, it was the churches who welcomed them. For White Temple's efforts in helping to get the refugees settled, the church was recognized by Guideposts magazine.

But the services to the community didn't end there. White Temple, with a seating capacity of more than 2,000, became the site of many concerts and other cultural events, Simon said. Both churches had radio broadcasts every Sunday.

On New Year's Eve in 1964, an arsonist set fire to White Temple's main sanctuary, burning it beyond repair. It was the fire, Simon said, that probably brought on the union of the two churches.

Miami-Dade Community College bought the property of both churches and in 1978 the ground-breaking for the present church was held. The first service in the new sanctuary was in 1980.

Simon, who still practices law, said it has not been an easy thing for First United Methodist to stay in the city. He credits Barnes with doing "a magnificent job" of helping the church to remain downtown.

The church has no plans to move, Barnes said. "The Lord needs us here. We continue to remind ourselves that this is a special calling.

"This is a courageous, committed congregation. They voted to stay downtown a number of years ago and they remember that commitment," Barnes said. "We believe God gives us the gift and the strength we need to persevere, and that He honors our faithfulness with His faithfulness."

I am happy to pay tribute to Pastor William Barnes and his dedicated congregation by reprinting this article from the Miami Herald. The church has served the community in many ways, from providing reading rooms to soldiers during the Spanish-American War, to feeding today's homeless in downtown Miami. Through wars, hurricanes, fires and refugee influxes, the First United Methodist Church has always been ready and willing to serve.

THE TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. SWIFT. Mr. Speaker, today I am joining my colleagues, Congressmen MARKEY, RITTER, and RINALDO to introduce comprehensive legislation to deal with the growing problems in the pay-per-call, 900 number industry. Abuses in this industry have generated tremendous numbers of consumer complaints to the Federal Trade Commission, the Federal Communications Commission, the State attorneys general, and to public and private consumer agencies. I am pleased to say that the legislation we are introducing has been developed with the active participation of all the above groups.

I am also very pleased to say that this legislation is the joint and constructive effort of both the Transportation and Hazardous Materials Subcommittee and the Telecommunications and Finance Subcommittee. The majority and minority of both subcommittees have worked together and with the telecommunications industry to craft legislation that will protect consumers from fraudulent and deceptive behavior in the use of 900 numbers.

The pay-per-call industry has grown exponentially in the past few years, in part because it offers both consumers and vendors a payment mechanism that is convenient and cost-effective. Unfortunately, this very useful technology has gotten a bad reputation from consumers because of problems with the quality of services provided and in abusive billing and collection practices. The lack of nationally uniform regulatory guidelines has led to confusion not only for consumers, but industry and regulatory agencies as well as to the rights of callers and the oversight responsibilities of the regulatory authorities. This has allowed some pay-per-call businesses to engage in practices which have abused the rights of customers. This legislation—the product of both subcommittees with jurisdiction in this area—addresses those concerns.

The continued growth of the legitimate pay-per-call industry is dependent upon consumer confidence that unfair and deceptive behavior will be effectively curtailed and that consumers will have adequate rights of redress. I hope that Congress will enact this legislation to offer

both consumers and vendors necessary protections and help facilitate the growth of a robust and competitive pay-per-call marketplace.

DOMESTIC VIOLENCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MATSUI. Mr. Speaker, I rise to salute the fine work of Women Escaping a Violent Environment [WEAVE], an organization dedicated to reducing domestic violence in the Sacramento area.

On October 7, Lifetime television and Sacramento Cable will present a special WEAVE benefit showing of "Prisoners of Wedlock," a documentary on domestic violence. The importance of this film and of awareness of domestic violence cannot be overstated. According to the Surgeon General, domestic violence is the largest cause of injury to women in the United States. Sadly, domestic violence is also one of the leading causes of death among women. Every 15 seconds, a woman is the victim of domestic violence in the United States.

Mr. Speaker, this trend of increased domestic violence must not continue. At a time when there is so much talk about improving the institution of family, let us take the first steps by promoting awareness, providing safeguards, and establishing strong punishments for the crime of domestic violence. I ask my colleagues to join me in recognizing National Domestic Violence Awareness Month and to work toward ending this tragedy that affects so many of this country's families.

INTRODUCTION OF CARRYOVER BASIS ACT OF 1991

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to introduce legislation with Congressman PEASE of Ohio that will help restore a degree of fairness and progressivity to our Tax Code and encourage investment in more productive economic activities. Our bill would correct a longstanding deficiency in tax policy that allows capital gains held until death to escape taxation.

There's been much discussion recently, Mr. Speaker, about policies to promote economic growth and tax fairness. During the 1980's, the Nation was asked to participate in a supply-side experiment. The engineers of the accompanying tax and budget policies promised booming economic growth and a higher standard of living for all Americans.

Precisely the opposite occurred. The underpinnings for economic growth—a sound fiscal position, good roads, well-educated students—were weakened. Only a very few in this country accumulated tremendous wealth while the vast majority of Americans struggled just to make ends meet. The richest 2.5 million Americans now have as much income as the 100 million Americans with the lowest incomes.

President Bush's response is to prolong the supply-side fantasy. He proposes to reduce the tax rate paid on capital gains in the vain hope it will boost economic growth.

He does this knowing full well that there isn't any evidence that capital gains enhances economic growth, that it will add billions of dollars to the Federal budget deficit, and that 77 percent of all capital gains go to the top 1 percent of Americans.

Mr. Speaker, the fact is that the very wealthy in this country already enjoy many tax advantages that most lower- and middle-income Americans do not. Before we race off to grant new tax advantages, we need to examine the ones that already exist.

One of the largest and most egregious is the loophole that allows the capital gains on assets held at death to pass untaxed to the next generation. If an individual sells an asset today, that person is taxed on the appreciation of that asset. But if he or she holds an asset until death, the appreciation of that asset is not taxed and the basis of the asset is stepped up to fair market value before being passed on to the heirs. The result is that the capital gains earned during the individual's lifetime will never be taxed.

Mr. Speaker, it's not right that these gains completely escape taxation. They should be taxed like all other capital gains. Furthermore, this loophole creates an enormous incentive to hold assets until death. Not only does that hurt economic growth by locking investments into less productive uses, but it costs the Treasury enormous amounts of revenue.

Finally, it perpetuates the unfairness of our Tax Code. The rich are allowed to stay rich through no effort of their own, while lower- and middle-income Americans are asked to help make up for the lost revenues.

The bill we are introducing today addresses this inequity by eliminating the step-up in basis for assets received from estates valued above $600,000. Estates valued at less than $600,000 would continue to receive a step-up in basis under section 1014 of the Internal Revenue Code.

The basis of property received from estates valued at more than $600,000 would be determined under a new section 1022. The basis of this property would be the property's initial basis increased by the section 1022 adjustment. Initial basis is defined as the basis of the property in the hands of the decedent increased by the fresh start adjustment provided in the bill.

The fresh start adjustment increases the basis of the property to its fair market value as of December 31, 1991. This adjustment was included so that the bill would apply on a prospective basis only.

Further adjustments are provided under section 1022 to assure that only large estates will be impacted by this change. These adjustments will allow, in many cases, the basis of inherited property to be increased to at least $600,000. Some qualified farms and closely held businesses will get to increase the basis of this property to as much as $850,000.

A central feature of the legislation is the establishment of carryover basis rules. Under our bill, decedents or their executors will have two options: First, recognize any appreciated value from the initial basis, pay the capital gains tax due, and receive a step-up in basis; or second, carryover the initial basis for the assets. Thus, the appreciation of assets will not escape taxation, but individuals will retain control over when to dispose of the assets.

The legislation has been carefully crafted to take care of legitimate concerns regarding family farms and businesses. The operation of family farms would be unaffected by this legislation. Farms which are eligible for the reduced estate tax under section 2032A would be allowed a supplementary $250,000 step-up in basis.

Under this proposal, a farm that is passed down to a farmer's children will never be required to pay capital gains taxes at death. The family would be able to continue the enterprise without interruption. Taxes would only be due if the heirs sell the farm, at which time only farms with a fair market value exceeding $850,000 will face taxes.

Likewise, a family business, as defined in section 6166(b), would be eligible for an additional $250,000 supplementary step-up in basis. This additional basis, when combined with the $600,000 minimum basis and the carryover basis option, would ensure that families never face liquidity problems due to tax on capital gains at death.

Family run businesses can pass from generation to generation without recognizing any capital gains, while receiving substantial step-up under the minimum basis and supplementary basis rule. Taxes would only be due if the heirs sell their interest in the business, at which time estates under $850,000 would be exempted entirely from paying taxes.

I hope that during the coming debate over economic growth and tax fairness, we look at this legislation as a way of making the Code work in a more fair and economically productive manner. Mr. PEASE and I look forward to working with our colleagues to correct his inequity in the code.

UNEMPLOYMENT INSURANCE

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. UPTON. Mr. Speaker, I rise today to tell the American public how Congress handled the extension of unemployment benefits.

This week I voted to extend additional benefits to help unemployed families across America. My home State of Michigan has the Nation's second highest unemployment rate, and families are struggling to put food on the table. But instead of directly addressing this problem, Congress argued and delayed while deserving Americans continued to bear the weight of this Nation's prolonged economic recession.

As a fiscal conservative I, like the President, don't think we have to increase the deficit to relieve this pain. We could have quickly provided additional benefits through offsetting cuts in other programs. Senator DOLE offered such a measure, but unfortunately was

rebuffed. Here in the House, we did not even get the chance to vote on offsetting cuts. I'm angry we were only given the choice of providing no benefits, increasing the deficit, or raising taxes.

Congress abrogated its responsibility to unemployed Americans when our help was needed the most and then acted to spend money we don't have. It's not too late to do it right, and I will continue to push for more responsible ways to pay for these critical needs. But then, you may ask, why did I vote for the bill that increases the deficit in this way? Because it is not fair unemployed families pay for our irresponsibility, and I won't put the burden on their shoulders because we couldn't do our job. That's why I voted for the extended benefits.

AIDS AND INNOCENCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEVINE of California. Mr. Speaker, I would like to draw my colleagues' attention to an article in yesterday's Washington Post by a close friend, Scott Hitt. Scott is a respected internist in the Los Angeles area who specializes in treating HIV-positive patients.

In his article Scott dispels a number of common misperceptions about people with AIDS. Since its discovery the public has regarded AIDS as a disease which afflicted other people like gays, drug addicts, and the poor. The harsh reality is that AIDS is a deadly disease which, if it has not already, will soon affect all of us, no matter where we live or how we live our lives. As Scott points out, it is already the second leading killer of adult men between the ages of 25 and 44 and fifth among women of the same age group.

Congress and the Administration must get on with the task of finding a cure for this horrible and deadly disease. Until we do so, all of us are at risk. I urge my colleagues to take a moment to read Scott's article. It will be well worth your time.

[From the Washington Post, Oct. 2, 1991]

AIDS AND INNOCENCE—IT IS NOT AN 'US' VERSUS 'THEM' DISEASE

Kimberly Bergalis, the young Florida woman who reportedly contracted AIDS from her dentist, has captured the sympathy of the nation. Recently, America's media carried accounts of her testimony on Capitol Hill. "AIDS is a terrible disease that we must take seriously," she stated. "I didn't do anything wrong, but I'm being made to suffer like this."

Why, out of the nearly 200,000 people who have developed AIDS in the United States over the past decade, have millions of Americans been transfixed by Kimberly Bergalis's plight?

Because Kimberly Bergalis, like Ryan White before her, is perceived by some to be an "innocent" victim of AIDS. The National Commission on AIDS documented this view in its just-released final report. In the United States, it said, there is "a thinly veiled feeling that those who acquired the virus are getting what they deserve and a collective indifference to their fate."

I have three objections to this widespread belief regarding people with AIDS and HIV.

The first is discrimination. Despite the tragedy in Africa—where countless millions of both sexes have contracted AIDS through heterosexual contact—many Americans continue to view AIDS as a "gay disease" and, therefore, not deserving of compassion. This misconception has lingered even though AIDS now ranks as the second leading cause of death among all American men between the ages of 25 and 44 and the fifth leading cause of death among American women of the same age group.

My second objection to the term "innocent" is its imprecision. At what point are people to blame for AIDS? Is it when they learn that they are homosexual or decide to use drugs? Or do people become "guilty" when they engage in unprotected sex or use dirty needles? If this is true, then a lot more individuals deserve the sympathy that most Americans seem to be reserving for the "innocent."

Consider: Until the development of the HIV-antibody test in the mid-1980s, it was virtually impossible to determine exposure to AIDS unless physical symptoms had manifested themselves. The lack of widespread educational programs until this time, moreover, hindered the ability of individuals to take precautions that would have prevented transmission of the disease.

Because it typically takes a number of years for any physical symptoms to appear after infection with the human immunodeficiency virus (HIV), which causes AIDS, it is likely that most individuals who develop AIDS over the next few years—are "innocent." After all, they contracted the disease before receiving information that might have altered their behavior.

My third objection to the term "innocent" is that it diverts attention from those who, in reality, are to blame.

According to the National Commission on AIDS, "our nation's leaders have not done well" in fighting the epidemic. The White House "has rarely broken its silence" on AIDS during the last decade, and Congress "has often failed to provide adequate funding for AIDS programs." As a result, "the United States, which has more people with AIDS than any country in the world, is one of the few developed nations with no national plan."

Because of this inaction, Americans won't be able to categorize people with AIDS as "innocent" or "guilty" much longer. In some rural areas, the ratio of HIV infection is evenly divided between men and women, thereby increasing the likelihood that AIDS will become a heterosexual epidemic in the United States, similar to Africa.

Even "innocent" teenagers are now at risk. According to recent studies, AIDS prevention messages are failing to reach younger Americans. Meanwhile, many parents' groups seek to limit teenagers' access to condoms, fearing that this will lead to more permissive attitudes regarding sex. In the future, will those teenagers who did not have the opportunity to learn about "safe sex" be labeled "guilty" as well?

If the tragic example of Kimberly Bergalis makes Americans remember the plight of untold millions who suffer from AIDS around the world, then I am all for publicizing her plight—even as I am saddened by her personal tragedy.

However, if she and Ryan White serve only to reassure Americans that AIDS is an "us" vs. "them" disease, with the "us" being somehow innocent and the "them" somehow guilty, then I say that we are mocking the examples of their lives.

If we are to find some good in the tragic cases of Kimberly Bergalis, Ryan White and countless others, it should be to restore our passion and humanity for all of those who are battling the disease. Goodness knows, they face enough challenges without society's blame.

IN REMEMBERANCE OF BABI YAR

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. COX of Illinois. Mr. Speaker, this weekend marked the 50th anniversary of the Babi Yar massacre, one of the most harrowing episoles of the Nazi Holocaust.

It is critical that we take this opportunity to remember the tragedy of Babi Yar, a tragedy of senseless death and a tragedy which for so long went unrecognized.

In 1941, in the week between Rosh Hashanah and Yom Kippur, over 33,000 Jews were taken to Babi Yar, stripped of their clothes and brutally massacred by Nazi and Ukrainian soldiers. In addition, during the next 2 years, tens of thousands of Jews and non-Jews were murdered at the ravine. These tragic events were, for too long, left unrecorded in Soviet history.

I speak today to commemorate the lives lost at Babi Yar. I speak in hopes that our memories of this tragedy do not fade. We must discuss, understand and remember this event, for silence only allows history to repeat itself. We must say today, never again.

INTRODUCTION OF THE EXPANDED EAST COAST PLAN ROLLBACK ACT

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ZIMMER. Mr. Speaker, today I introduced legislation that would provide much-needed relief from the burden of aircraft noise for many of my constituents.

This bill would require the Federal Aviation Administration to reroute air traffic currently flying over New Jersey and New York to air routes over the Atlantic Ocean. In cases where aircraft cannot be rerouted over the ocean, the legislation requires the use of air routes used before the Expanded East Coast Plan was adopted in 1987.

The FAA would have 18 months to change the routes.

The final provision of the bill would require the FAA to prepare an environmental impact statement examining the effects of the modification of the Expanded East Coast Plan.

The Expanded East Coast Plan has failed to meet its goal of reducing delays, has resulted in safety problems and has generated excessive noise over dozens of communities, some of which are 40 miles from the nearest airport.

Enactment of this legislation will put an end to the noise pollution that has afflicted large

portions of the New Jersey-New York metropolitan area since the Expanded East Coast Plan was implemented.

HMONG-LAO REFUGEES FACE GROWING DANGER

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ROTH. Mr. Speaker, the Laotian Americans of Wisconsin, many of whom reside in my Eighth Congressional District, have expressed grave concern for the safety of family members and friends who are currently located in Thailand but facing the possibility of forced repatriation back to Laos.

Many fear that if these refugees are forced to return to Laos they might very well be slaughtered on trumped-up charges of political crimes.

In order to bring this important matter to the attention of the American people, I ask that a resolution drafted by the Lao Human Rights Council be inserted into the CONGRESSIONAL RECORD at the conclusion of my remarks.

I would first like to outline the plight of the Lao refugees now located in Thailand and why they deserve our best efforts to help them. These refugees include thousands of Laotian highlanders known as Hmongs.

United States military involvement in Laos is well documented. Americans are known to have helped to train, equip, and support Hmong-Lao forces as far back as the 1950's. In fact, at the height of the Vietnam war, the secret Hmong-Lao force was reported to number 30,000 men.

Since 1975, when the Government of Laos fell to the Communists, over 300,000 Hmong and Lao have fled the country. Most of those sought safety in Thailand. Today, according to the United States State Department, there are more than 60,000 asylum-seekers in Thailand. Of these, approximately 52,000 are Hmong and 8,000 are Laotians.

The procedures governing the issue of repatriation are governed by bilateral agreements between Thailand and Laos, as well as principles of international law.

Under these provisions, the basic protection afforded to people comes from the determination that a party is a refugee and thereafter termed "screened-in." In general, refugee status is accorded to those that have fled Laos with a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group or political party. Once a person is deemed to have acquired refugee status, international law provides certain protections.

In addition, under other international agreements, such screened-in people are provided the opportunity to be repatriated to third countries under the supervision of the U.N. High Commissioner For Refugees [UNHCR].

It is through this process that many Laotians decided to come to the United States. In fact, today, the United States remains the largest resettlement country for Hmong and Lao refugees. According to the State Department, since 1975, roughly 100,000 Hmong and 123,000 Laotians have been resettled in the United States. This year, the State Department projects that 6,500 to 7,000 Hmong and Lao refugees will come to the United States.

The concerns raised by my Hmong constituents are justified on a number of grounds. First, some refugees are not accorded any of the protections enjoyed by those who have attained refugee status. And second, these screened-out refugees are currently not accorded the protection of UNHCR supervision of their repatriation back to Laos.

In short, these so called screened-out refugees are viewed as illegal aliens by the country of Thailand. Accordingly, their return to Laos is now governed exclusively by bilateral agreements between Thailand and Laos.

In August 1991, these governments agreed that all screened-out refugees will be returned to Laos over the next 3 years.

As a nation that prides itself as a leader in international human rights, we should draw worldwide attention to the issue of the potentially tragic outcome of the forced repatriation of the Hmong and Laotians back to Laos if those people are not provided at least some protection.

I commend the following resolution to the U.S. Congress.

EIGHTEEN POINTS ON LAOS: LAOTIAN REFUGEES NEED HUMANITARIAN ASSISTANCE OF THE U.S. GOVERNMENT

(By the Laotian Americans and Refugees in the United States)

We, the participants in the Lao Human Rights Conference on Refugees of September 14–15, 1991, in Green Bay, Wisconsin, have endorsed and adopted the following eighteen points to find solutions to the Laotina Refugee Crisis in Thailand and in Loas. We agree that the deaths of more than 300,000 Laotian people in the past fifteen years and the more than 70,000 Vietnamese troops who are stationed inside Laos in 1991 are the main causes of the refugee crisis. Human rights violations and Vietnamese aggressions and domination are unacceptable to the Laotian people. We need the U.S. Congress to recognize these matters. We propose that the U.S. Government consider the following points:

1. We request that the U.S. Government and UNCHR send a committee to supervise and bring peace and freedom to the returnees to Laos from Thailand. In addition, the U.S. Government and the UNCHR must sent a committee to investigate the future and conditions of three Hmong returnees who escaped to Thailand from prison camps in Laos, and who were then forced by the UNCHR and Thai authorities, on August 16, 1991, to return to Laos.

2. We request that the U.S. Congress, the White House, and the Department of State immediately request the Thai Government and the UNCHR to stop on the policy of forced repatriation of Hmong and Laotian refugees from Thailand back to Laos.

3. We request that the U.S. Government recognize that the returnees are murdered, persecuted, imprisoned and tortured by the Communist Pathet Lao Government.

4. We request that the U.S. Government recognize that the policy of forced repatriation has been going on the Thailand.

5. We request that the U.S. Government recognize that the Thai Government and UNCHR have reversed their policy, from voluntary repatriation to forced repatriation.

6. We request that the U.S. Government recognize that neither the policy of voluntary repatriation nor forced repatriation is acceptable to the Hmong and Laotian refugees, because the returnees have been persecuted and killed by the Communist Pathet Lao Government.

7. We request that the U.S. Government request that the Thai Government and UNCHR grant "refugee status" to Laotian refugees in Thailand.

8. We request that the U.S. Government request that the Thai Government allow Hmong and Laotian refugees in Thailand to stay there until it is safe to return to their homeland. The refugees will return to Laos under the 15 Principles, which was drafted by the Lao-Hmong Human Rights Council and approved by the refugees on January 20, 1991.

9. We request that the U.S. Government, Thai Government, and UNCHR continue humanitarian assistance to the Laotian refugees.

10. We request that the U.S. Government not provide any type of foreign assistance to the United Nations, Laos, and Thailand for refugee repatriations from Thailand to Laos.

11. We request that the U.S. Government recognize the linkage between the political settlement in Cambodia and in Laos. We request that the U.S. and the United Nations link the political and military problems in Cambodia with settling the question on peace and war in Laos. We request that the Vietnamese occupation of Laos and Cambodia by invasion of Vietnamese troops be recognized by the U.S. Government.

12. We request that the U.S. Government recognize that peace, democracy, stability, and national reconciliation in Laos be based upon the Paris Peace Agreement on Indochina and the Vientiane Peace Agreement on Laos of 1973.

13. We request that the U.S. Government pressure the Vietnamese Government to withdraw all its troops from Laos unconditionally and completely. The end of foreign aggression and occupation and human rights violations will end the troubles of Laotian Refugee Crisis.

14. We request that the U.S. Government support the objectives of the Laotian freedom and democracy movement, reconstruction of a democratic government under the rightful heir to the throne, pending free elections under international supervision in Laos.

15. We request that the U.S. Government admit more Laotian refugees into the United States. However, we request that the U.S. Government not permit persons loyal to the Communist Pathet Lao Government into the United States. In addition, in order to protect peace, freedom, and democracy, we propose that the U.S. Government revoke the citizenship of Laotian refugees or individuals who are engaged in and have cooperated on information and security matters for the Communist Pathet Lao Government.

16. We request that the U.S. Government not establish full diplomatic relations with Laos until there are free elections, multi-political parties, human rights, peace, democratic principles, freedom, and government by the and for the people in Laos.

17. We request that the U.S. Government not establish diplomatic relations with Vietnam until all Vietnamese troops leave Laos completely and unconditionally. Neither the government of Laos nor of Vietnam have fully cooperated with the U.S. Government on American POW/MIA issues. These governments do not tell the truth to the U.S. Government.

18. We request that the U.S. Government cut off all foreign assistance and other types

of aid to Laos, because the crop substitute projects have resulted in the power of officials of the Communist Pathet Lao Government to produce and export more opium for national revenues. The Communist Pathet Lao Government has been heavily dependent on opium production for survival of Communist power.

Please consider the above 18 points. Thank you very much in advance for your consideration of these proposals.—Vang Pobzeb, Chairman, Lao Human Rights Council.

THE FUTURE OF DEFENSE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. ASPIN. Mr. Speaker, the debate over the right defense for the future has taken a significant turn, one that favors the vision of the future that a majority of the Members in this House shares. That turn occurred following Friday's dramatic action by President Bush on nuclear weapons.

The President acted to remove unilaterally a whole class of weapons—tactical nuclear weapons on land and at sea—and sought to put the genie of multiple warheads on land-based ballistic missiles back in the bottle for good. These were commendable actions.

But the cheers for the President had hardly died down before the hard questions began. Mr. Bush may feel as if he were mugged on the way home from a moment in history. On the evidence we have seen since Friday, the President's far-reaching speech reached farther than he would have liked. The speech did two things that have caused the present turmoil in the defense debate.

First, the speech legitimized the notion that unilateral cuts could be in the U.S. national interest. The President was correct to act unilaterally on tactical nuclear weapons but now others are saying we should not stop there.

Second, the speech raised arguments against some nuclear systems that can be used more broadly than the President applied them. If the Soviet threat is now so blunted that we can take bombers off alert and do away with mobility for our land-based missiles, then surely, the reasoning goes, we can do more. In short, he blurred the line between systems he wants and those he doesn't want.

These points, in turn, opened the President's position to erosion on two fronts, one in Washington and one in Moscow. In Washington, the President will be pressed for more cuts in the defense budget. In Moscow, he will be pressed to broaden the agenda to meet traditional Soviet concerns—such as multiple-warhead ballistic missiles aboard U.S. submarines, and the continuing desire for a ban on nuclear testing.

In Washington so far, the debate has concentrated on the defense budget for Fiscal Year 1992. We have heard claims that the President's speech was a blow to the B–2 Stealth bomber and strategic defenses. Mr. Speaker, from the point of view of the House, the speech had nothing to do with either defenses or the B–2. Here's why.

The House position on the bomber is that there is no compelling strategic mission for B–2, and we should stop the program at the currently authorized level of 15 planes. The original program called for 132 B–2's. Then it was scaled back to 75 bombers by the Administration. Both figures were based on the strategic nuclear mission. For that misison, the number of planes is determined by the number of targets you want to hit, since there would be no second trip on the nuclear mission.

On conventional missions, however, planes can make repeated sorties. A smaller number of planes can hit a larger number of targets by making return trips. Ten planes could cover 50 targets in 5 trips. Five planes in ten trips, and so on. That's why the 15 B–2's already authorized would make a potent conventional force, if they can overcome recent problems over stealthiness. We don't need any more.

Nothing in the President's speech challenged this analysis. Perhaps that's why some were so unhappy with it.

The House has already moved to restructure ballistic missile defenses to concentrate on three areas: One, theater defenses; two, limited, ground-based defense of the United States against accidental or unauthorized launch, and a future Third World threat; and three, research on breakthrough technologies. The House steered the program away from space-based defenses against a massive, deliberate Soviet attack, which seems less likely with each passing headline. Nothing in the President's speech challenged this analysis. Perhaps that's why some were so unhappy with it.

One other issue we are dealing with in the 1992 budget is humanitarian aid for the Soviet people this winter. This has become an issue since the failed coup in Moscow accelerated the disintegration of the Soviet Union. I have proposed using up to $1 billion from the fiscal 1992 defense budget for this emergency aid. It belongs in the defense budget because it is defense by another means. We don't want social chaos in a country with 30,000 nuclear warheads and we don't want the first winter of freedom in 70 years to be a disaster for the Soviet people.

So, missile defenses, B–2 and humanitarian aid to the Soviet people this winter are the chief issues still in contention for the 1992 budget. The House is on the right side of these issues, Mr. Speaker. We passed the defense authorization bill in May and it looks pretty good. We got the numbers right and we got them right for the right reasons. The House heard history coming.

That's the 1992 budget. Some are already looking ahead, asking whether we should abandon the budget agreement for 1993 and beyond to make more cuts.

We can again use the President's Friday speech as a point of departure for considering how we will approach those questions.

The President's speech, in effect, responded to one revolution whose outcome we know and another one that seems to be taking place now.

The first revolution lasted from December of 1988 until November of 1989. Soviet President Mikhail Gorbachev began this one in a speech to the United Nations in December, 1988, that announced unilateral, a symmetrical cuts in Soviet forces. It ended in November of 1989 with the fall of the Berlin Wall. The results of that year were amazing. Soviet troops were vacating Eastern Europe as quickly as they could. Communist governments were ousted. Germany was reunified. The Soviet-led Warsaw Pact threat to Europe was gone.

In this country, it took us a while to sort this out. A debate went on during the first half of 1990 over whether the decline in the threat could be reversed. Those who said it was irreversable prevailed and three things resulted. One was the decision to reduce U.S. forces by 25 percent. Another was the Base Force concept for the remaining U.S. forces, and the third was the White House-Capitol Hill budget agreement establishing guidelines to set spending levels into fiscal 1995.

Now it looks like we may have a second revolution following the failed coup in Moscow in August. In truth, we don't know how this one will end up. It did not simply restore the status quo ante after the coup failed. It gave the reformers a jump start. Its ultimate results could be more fundamental that the first revolution. That was the end of the Warsaw Pact threat. This could mean the end of the Soviet threat, itself.

The President's speech on Friday, in effect, responded to both revolutions. The response to the first revolution was pulling back U.S. tactical nuclear weapons. Basically, it was an action he could have taken after the fall of the Berlin Wall. When the Soviet Union and its Warsaw Pact allies seemed to have the edge in non-nuclear military power, we felt we needed nuclear weapons to compensate. Now, with the demise of the Pact, the United States has the edge in conventional military forces, and we're concerned with such things as weapons falling into terrorist hands, and unauthorized or accidental use. So, the fewer nuclear weapons there are, the better off we are.

The President's speech also responded to the potential for a second revolution when he took U.S. bombers off alert, when he decided to stop work on mobility for U.S. land-based missiles and when he speeded up the reductions in U.S. forces required by the START agreement. The implicit judgment was that the Soviet Union after the coup was a place much less likely to start a nuclear war than it was before. Clearly, this decision was made on a calculation of Soviet intentions. This is a big change. The administration has been firm in the past that decisions had to be based on Soviet capabilities since intentions can change. For the first time, the President was willing to base actions on intentions.

But, as with the first revolution, it is going to take a while for us to sort this second one out, if a revolution is what it turns out to be. How should we respond?

The first revolution irreversibly ended the Warsaw Pact threat to Western Europe and the right response was judged to be a 25 percent reduction in our forces. If this second revolution results in the end of the Soviet military threat to the United States, can't we go further? Some say no, that we hold at the 25 percent reduction. I don't think that position can be held if the Soviet threat is really gone.

We on the House Committee on Armed Services are preparing a major effort to investigate this, to help determine what defenses we need at the spending levels we can justify by the real threats we face. This effort will in-

clude a comprehensive look at the lessons for the future we can draw from the war with Iraq. It will also include hearings on new developments in the Soviet Union, and on the proposed Base Force concept and how it will meet the needs of a new era.

Our general approach to this task will have two parts.

First, we have to make sure the decline in the Soviet conventional military threat is irreversible. There are a number of indicators we should watch. Chief among them is the fate of the massive Soviet military industrial complex. If the complex is dismantled and the resources now devoted to military production are directed into civilian goods, the demise of the Soviet military colossus will be irreversible and we can respond with reduced defense spending.

Second, we'll have to figure out how to spend our remaining defense dollars smartly. The war with Iraq showed that simply buying a smaller version of the force we built to deal with the Soviets isn't necessary the way to go.

In sum, we are on the right course for fiscal 1992. The right response to the failed coup in the 1992 defense budget is the House position on B–2 and SDI and humanitarian aid. When we look beyond the 1992 budget in the coming weeks, our efforts will help determine the future of the budget agreement, the 25 percent build down and the base force concept. They will help determine what our national defense looks like for years to come. That is the defense debate we must now have.

INTRODUCTION OF THE FEDERAL COMMUNICATIONS ENGINEERING SCIENCES QUALIFICATION ACT OF 1991

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RITTER. Mr. Speaker, today, I have introduced the Federal Communications Commission Engineering Sciences Qualification Act of 1991.

The bill requires that at least one member of the Federal Communications Commission [FCC] have an engineering background.

The FCC is charged with regulating one of the fastest growing and technologically dynamic industries in this country. Since its formation in 1934, there have been 64 FCC Commissioners. Of these, only eight have had an engineering background.

Engineering talent is now more necessary than ever at the FCC. The FCC deals with many complex telecommunications engineering issues and until 1982, the Communications Act required that one professional staff assistant for each Commissioner had to be an engineer. Yet today only 1 of the 15 professional staff assistants to the current FCC Commissioners has a background in engineering.

The technical sophistication and complexity of communications regulatory issues has increased dramatically over the 57 years since the FCC was formed. Advances in technology, such as digital audio broadcasting [DAB], high definition television [HDTV] and personal communications systems [PCS] represent just some of the regulatory challenges that the FCC must face in the near future. These issues, where technology meets regulation, require technical, as well as economic, legal and political expertise.

That is why I believe that one of the FCC commissioners should be required to have an engineering background. This will give a new level of technical sophistication to the FCC. It will give the Commission greater ability to handle the complex technical engineering questions that will be coming before the Commission in the years to come.

I urge my colleagues to cosponsor this bill so that our telecommunications regulators will be able to keep up with this the fast-paced industry that it oversees.

FANNY PIEMONTESE AND JOSEPH COLOSIMO: YONKERS' COLUMBUS DAY HONOREES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mrs. LOWEY of New York. Mr. Speaker, Columbus Day is a special day for all Americans. It is particularly so for Americans of Italian descent, who take this time every year to celebrate their myriad contributions to the development of American society, and to pay tribute to members of their community whose recent achievements are of special note. For 499 years, Italian-Americans have played a vital role in the growth, and the greatness, of the United States.

Tomorrow, members of the Yonkers Italian-American community will gather for the annual Columbus Day Celebration Committee dinner-dance. They will honor two very special individuals for their lifetimes as champions of Italian heritage. I want to join them in paying tribute to Fanny Piemontese and Joseph Colosimo.

Fanny Piemontese was born and received her formal education in Italy. After coming to this country as a young woman, she settled in Yonkers with her husband, Morris. Together, they built a successful clothing business, and Fanny became a leader of the community. She is a past-president of the Westchester Women's Division of the American Committee on Italian Migration, and has been chairman of such organizations as the Soroptimist Fund Raising Committee for Yonkers youth programs, the United Fund of Yonkers, Boys' Town of Italy, the Benefit Shop of St. John's Riverside Hospital, the Enrico Fermi Stamp Committee, the Yonkers Cancer Crusade, and the Yonkers Cancer Society. She has raised funds for the Sicilian Disaster Relief Fund and Fruili earthquake victims, organized Italian classes at the Yonkers Y.M.C.A., gave television commentaries for Italian-speaking viewers, and helped win approval by the Italian Government of a stamp honoring Enrico Fermi. Her tireless and effective work has been recognized and honored numerous times. I am very pleased to add my name to the many others who have recognized Fanny's accomplishments. She is one of our community's finest assets.

Joining her in the spotlight tomorrow evening will be Joseph Colosimo. An accomplished public engineer and a Yonkers civic leader, he has made it his work to ensure that the accomplishments of Italian-Americans are widely recognized. After seeing a children's text book which purported that Lief Erikson and not Christopher Columbus discovered America, he led a crusade to have New York State school syllabi recognize the important contributions that people of Italian descent have made, and particularly the importance of the events whose quincentennial we will all celebrate together next year. Working together with the State Sons of Italy, he was able to convince the Federal Government to fund a curriculum study by the New York State Education Department to evaluate the Italian-American experience. He was also appointed to the Education Department's Advisory Council of Ethnic Studies. Thanks to Joe Colosimo, students all over New York are taught about all of the things that members of the Italian-American community have done to make America great.

The Columbus Day Celebration Committee has chosen wisely in naming this year's honorees. Fanny Piemontese and Joseph Colosimo are making a difference in the Yonkers Italian community and throughout our area. I am sure that all of my colleagues join me in wishing these two great individuals well and in congratulating them for that honor that they are receiving.

KATHERINE AFENDOULIS, MICHIGAN TEACHER OF THE YEAR 1991

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. HENRY. Mr. Speaker, education is the key to our future, and our hopes for the Nation can only be as bright as the people we entrust to develop our children's minds.

So, it is with great pride that I rise today to tell you about Michigan's Teacher of the Year, Katherine Afendoulis.

Katie teaches third grade at Collins Elementary School in Grand Rapids. In her 19 years as an educator, she has demonstrated a deep commitment to the many young lives she has touched.

She has particular concern for children who need special help in the critical early years of education. At Collins Elementary, she is involved in the gain academic power program, aimed at helping high-risk youngsters.

Mr. Speaker, on October 23, Michigan Teacher of the Year Katie Afendoulis will be here in Washington, along with Teachers of the Year from the other 49 States, the District of Columbia and Puerto Rico, for a symposium on the critical issues in education. I urge my colleagues to take the time to meet with these important educators, to learn from their knowledge and experience what we in Congress can do to better meet the needs of our Nation's young people.

COMPLETE DISCLOSURE REQUESTED OF THOSE WHO HAVE ABUSED HOUSE BANK PRIVILEGES

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. EWING. Mr. Speaker, the time has come for a full accounting of all those who have abused the House bank privileges. The American citizens have a right to know exactly who is involved in this scandal and those Members of Congress who are innocent deserve the opportunity to clear their names.

I appreciate the efforts of the Speaker and the minority leader to resolve this issue, but frankly the American people deserve to know if their representatives have abused the extraordinary privileges available through the House bank. Like it or not, elected representatives of the people are held up to a particularly high standard and how we conduct our personal lives does concern our constituents. When a Representative has conducted his financial affairs in a way which clearly raises ethical questions, the citizens do have a legitimate right to know.

The irresponsible actions of repeat checkbouncers have cast a dark shadow over the whole House. Those who have not written bad checks and those who have made honest mistakes have been tainted by this scandal and deserve the opportunity to have their names cleared. This can only be done with complete disclosure.

GERMAN REUNIFICATION DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BONIOR. Mr. Speaker, I would like to join with people around the world who are celebrating the Day of German Unity.

It is extremely important that we all remember the momentous and truly historic events that led to the realization of German reunification. The mass demonstrations in Leipzig and the collapse of the Berlin Wall are events that propelled the wave of freedom that swept across Eastern Europe and the Soviet Union.

The images of people taking hammers and chisels to the wall are indelibly etched upon the minds of freedom-loving people everywhere.

While the struggle of the past was for freedom, the struggle of the future will be economic. However, I am optimistic that Germany faces a bright and prosperous future in which all people will enjoy the blessings of freedom.

TRIBUTE TO LEON STEWART

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Leon Stewart of Pawtucket, RI, as being one of the bravest persons in the country.

Hasboro toys has chosen 7-year-old Leon as a national winner in the G.I. Joe Search for Real American Heroes for the courage he displayed when rescuing his two brothers, Jonathan age 4, and Gregory almost 2 years old, from their burning home. Leon's ability to think rationally during this critical situation saved the lives of both his brothers.

Leon has proven himself a true hero. He has certainly saved his family from much grief. I commend you, Leon, on your bravery and your use of common sense. You have truly shown that you are worthy of this award.

HAPPY 80TH BIRTHDAY, TAIWAN

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LIVINGSTON. Mr. Speaker, this Thursday, October 10, the Republic of China on Taiwan will celebrate it's 80th Independence Day. As I know from personal experience, the Taiwanese are a very proud people, and they have every right to be.

Taiwan is a modern, industrialized, democratic nation. I think it's worth special note that its people enjoy a standard of living far higher than that of their colleagues on the mainland.

I would also like to make note of the Republic of China's increasing willingness to shoulder more international responsibilities. As the world turns away from communism and state-owned, state-run enterprises, there is going to be dramatic need for capital investment worldwide.

The United States cannot accept these burdens alone and that's why the support and expertise of other free countries is so indispensable. The Republic of China should be applauded for its efforts to be a responsible international partner.

Also in that spirit, I am glad to see that President Bush is now on record as supporting Taiwan's entry into GATT.

Mr. Speaker, to all the citizens and leaders on the Republic of Taiwan, I send my best wishes for a happy independence day.

TRIBUTE TO CARL L. STACEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Carl L. Stacey, a loyal public service employee in Columbiana, OH. He has served the people in my 17th District for 33 years, and is now retiring.

Mr. Stacey was elected in 1958 to the clerk of common pleas court in Columbiana. To this day, Mr. Stacey has served his constituents with steadfast allegiance. Such a commitment cannot go unnoticed. I congratulate Mr. Stacey and wish him well as he retires on October 31, 1991.

Previous to his present position, Mr. Stacey served his country in World War II accompanying America's Armed Forces on the D-day invasion of France. Soon afterwards, Mr. Stacey arrived on the homefront and began to serve his community. He has been the president of the Ohio Clerk of Courts Association. Currently, he is the longest serving officeholder in the history of Columbiana since 1803.

Again, Mr. Speaker, I rise to pay tribute to Mr. Carl L. Stacey. He is most worthy of congratulations as he retires at the end of this month.

A MUCH NEEDED BREAK TO PENSION PLAN PARTICIPANTS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GALLO. Mr. Speaker, Today, I am introducing legislation to address an immediate dilemma facing many employers and employees who participate in IRS section 403(b) annuity programs through insurance companies that have become impaired or insolvent.

As you know, the State of New Jersey has recently taken over the operation of Mutual Benefit Life, which has left hundreds of employers and thousands of employees concerned about the security of their investment in the 403(b) annuity program.

Many employees have already instructed their employers to cease salary reductions. However, current IRS regulations have left these employees and employers with few alternatives in which to protect existing plan assets.

Specifically, under current IRS regulations, there is a limitation on the number of salary reduction elections permitted for any taxable year for any given employee under 403(b) plans. This means that if an employee instructs an employer to stop salary reductions, that employee cannot make another election until January 1 of the following year. In the alternative, if an employee continues to have his salary reduced but the employer places the salary reduction amounts into an escrow account, this would not be deemed a second election. However, if this money is placed into an interest bearing escrow account, the employer must issue a Form 1099 for the income earned and the employees must pay taxes on said income.

Therefore, in order to give these employers and employees more flexibility to respond to the situation, I am introducing legislation to override the yearly election limitation under 403(b) annuity programs. This exception would only apply when an insurance company who issues these plans becomes impaired or insolvent.

I appreciate the support of my colleagues in this effort and welcome your cosponsorship of this bill.

INTRODUCTION OF CARRYOVER BASIS ACT OF 1991

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. PEASE. Mr. Speaker, today, Congressman LEVIN of Michigan and I are introducing the Carryover Basis Act of 1991 which will improve our tax laws by removing a loophole which allows some capital gains to go completely untaxed.

Under current law, the wealthiest families in this country are afforded a tremendous tax break when they pass assets from one generation to another. This occurs through section 1014 of the Internal Revenue Code which increases inherited property's basis—usually the property's original cost—to its fair market value at the date it is received. For example, a share of stock that cost $10 and has a fair market value of $100 automatically receives a basis of $100 when it is handed down through a bequest. The result is that no income tax is ever paid on the $90 of gain.

Our bill would correct this inequity by repealing section 1014 for property received from estates valued above $600,000. Estates valued at less than $600,000 would still qualify for the beneficial treatment under section 1014.

The basis of inherited property received from estates valued at more than $600,000 would be determined under new section 1022. The basis of this property would be the property's initial basis increased by the section 1022 adjustment. Initial basis is defined as the basis of the property in the hands of the decedent increased by the fresh start adjustment provided in the bill.

The fresh start adjustment increases the basis to the property to its fair market value at December 31, 1991. This adjustment was included so that the bill would apply only on a prospective basis. It assures that no appreciation accruing before this date would be subject to tax.

Section 1022 provides for additional adjustments to assure that only the largest estates will be impacted by this change. These adjustments will, in many cases, allow the basis of inherited property to be increased to at least $600,000. Some qualified farms and closely held businesses will get to increase the basis of this property to as much as $850,000.

It is time that this loophole is closed. We cannot continue to provide substantial tax breaks to this country's wealthiest families while increasing the tax burden of middle-income families.

The summary of the bill follows:

SUMMARY OF LEVIN/PEASE BILL TO MODIFY STEPUP OF BASIS RULES UNDER IRS SECTION 1014

EFFECT ON CALCULATING ESTATE TAX LIABILITY

The bill makes no changes to the calculation of estate tax liability under current law.

SMALL ESTATES

Estates in which the aggregate fair market value of all the property is $600,000 or less will continue to qualify for a step-up in basis provided by Section 1014.

MODIFICATION OF SECTION 1014

Except for small estates as defined above, the step-up in basis under Section 1014 is limited to those instances where the executor of the estate elects to include the untaxed appreciation of such assets, subject to the basis adjustments provided in the bill, on the final income tax return of the decedent. If an executor makes this election, the basis of the assets used to calculate the gain on the decedent's final income tax return would reflect the minimum basis, family farm, closely held business and "fresh start" adjustments as described below.

For estates for which this election is not made, the basis of such assets in the hands of a person acquiring the property is determined under the rules provided in new Section 1022.

BASIS DETERMINATION UNDER NEW SECTION 1022

The basis of property, in the hands of a person acquiring such property from a decedent, which is subject to this Section is the sum of:

1. the property's adjusted basis for purposes of determining gain in the hands of the decedent, as adjusted for the "fresh start" provision, plus

2. a "minimum basis adjustment" equal to the amount by which $600,000 exceeds the property's adjusted basis for determining gain in the hands of the decedent (#1 above), limited to the fair market value of the property, plus

3. either a "family farm adjustment" or a "closely held business adjustment", whichever applies, equal to the amount by which $850,000 exceeds the adjusted basis for purposes of determining gain in the hands of a decedent (#1 above) and any "minimum basis adjustment" applicable (#2 above), limited to the fair market value of the property, plus

4. an adjustment for estate taxes paid.

The executor will allocate any adjustment to basis of the estate's property to individual assets in whatever manner is appropriate so long as no individual asset is allocated basis in excess of the fair market value of the asset.

FRESH START PROVISION UNDER SECTION 1022

The fair market value of property at December 31, 1991 will be substituted for its adjusted basis if the fair market value exceeds the adjusted basis. This "step-up" will only apply for purposes of calculating gain on the decedent's final tax return. Therefore, the decedent will not be able to recognize losses on his or her final return merely as a result of this adjustment to fair market value.

For purposes of the fresh start adjustment, the fair market value of marketable securities at December 31, 1991 will be their value as reported on a recognized stock exchange or over-the-counter market.

Other property will be valued at December 31, 1991 using one of the three following methods, whichever produces the highest value:

1. discount the property's fair market value as of the decedent's date of death back to December 31, 1991 using an inflation factor,

2. allocate the property's appreciation over time, from the date the property was purchased to the decedent's date of death, assuming that the appreciation occurred ratably over the period it was held by the decedent, or,

3. appraise the property as of December 31, 1991.

THE GREAT BUDGET BUST OF 1992

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GINGRICH. Mr. Speaker, over the past 2 months, the House has considered legislation to extend unemployment compensation benefits four times. It would be much more useful if the House were allowed to vote to create jobs for the unemployed not just to provide them a Government check.

Twice, now, I have testified before the Rules Committee and requested that my legislation H.R. 3130, the Economic Growth Act, be made in order as an amendment to the Democrats' unemployment extension bills. Twice, now, my request has been denied.

Mr. Speaker, the October 1, 1991, Washington Times editorial titled "The Great Budget Bust of 1992" makes the case for economic growth. I commend it to your attention, and ask that it be printed in its entirety at this point in the CONGRESSIONAL RECORD.

Thank you, Mr. Speaker.

[From the Washington Times, Oct. 1, 1991]

THE GREAT BUDGET BUST OF 1992

A year ago the Washington establishment made a "budget" deal with itself. The right hand of the establishment, represented by Republican President Bush, agreed to $163 billion in new taxes. In return the left hand, represented by the Democratic Congress, promised to hold increases in federal spending within preset limits. The goal was to hold the growth of the national debt to $527 billion over five years. But when fiscal 1991 ended yesterday, it was estimated the government had spent $279 billion more than it had taken in—eating up more than half the five-year deficit allowance. And as fiscal 1992 begins today, both houses of Congress will vote to break last year's budget deal. They will approve a $6.4 billion extension in unemployment benefits, and they will offer no means to pay for it.

Democrats pushing the unemployment extension, including Senate Finance Chairman Lloyd Bentsen and Budget Chairman Jim Sasser, have argued that the nation's unemployed deserve extended benefits because they have paid premiums into a federal unemployment trust fund worth $7.6 billion. Real growth in the gross national product has averaged only 0.6 percent per year on Mr. Bush's watch, they add. We face a true economic emergency, so it's time to pay down the trust fund and provide relief to the long-term unemployed.

The problem here is that the Washington establishment has already spent the extended unemployment trust fund and more. When Americans pay unemployment taxes (as well as Social Security taxes and taxes purportedly earmarked for trust funds to build highways and airports), the money is not held in trust. It is spent. Every cent is dumped into the federal treasury.

As of this morning, New Year's Fiscal 1992, the federal government owes $3.614 trillion. It owes $889 billion of that to various trust funds, including the unemployment fund. If Congress and the president agreed to zero out the entire defense budget for the next three years, it would save just enough money to pay back this one portion of the debt.

So what's the answer? Economic growth. And you achieve that by cutting taxes and

providing people with incentives to work and save.

Growth-minded Republicans in the House and Senate, including Sen. Phil Gramm of Texas and House Minority Whip Newt Gingrich, have offered such a plan. It would reduce the capital gains tax rate, create inner-city and rural enterprise zones and establish an IRA-savings plan that would allow Americans to receive tax-free interest on retirement accounts started with after-tax savings, among other things. But so far, it has gone nowhere.

The president should veto the Democrat's budget-busting unemployment bill. But if he doesn't counter that bill with a proposal to ease the burdens on the nation's businesses and taxpayers, he should expect more unemployed Americans, less federal revenue and intensified Democratic efforts to further bust a budget that is already in pieces.

SHARON'S SESQUICENTENNIAL CELEBRATION

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. RIDGE. Mr. Speaker, on October 6, 1991, the people of Sharon, PA will be marking the 150th anniversary of the establishment of their community.

Sharon has grown from a handful of pioneering families—the Budds, Bentleys, Renos, Stokleys, Hoaglands, McBrides, and Loves—to the largest community in Mercer County with an approximate population of 17,000 people.

Those early pioneers soon discovered coal. Mining became the staple industry in the early 1800's. This discovery also brought improvements in the transportation system which made Sharon more accessible to people traveling through the area and which made Sharon's coal and other products more available to the rest of the young Nation. The community was growing and with the development of blast furnaces and the birth of the steel industry, Sharon soon became one of the top steel producing communities in the United States.

The steel and iron industry brought great prosperity to Sharon throughout the late 1800's and well into the 1900's. Generations of hard working men and women gave their all to the mills. In return, Sharon prospered.

That all ended in the early 1980's. But Sharonites, like their pioneering ancestors were determined to stay in the area even in tough times. Even during the hardest times, the community pride and spirit never wavered.

As we embark upon this new decade, Sharon is still an industry based city, but with more diversification than ever before. The hard working citizens of Sharon have broadened their horizons and explored new ideas and avenues for success. Sharon once again is back on track heading for a very bright future.

So today I join together with all the citizens of Sharon and congratulate them on the 150th anniversary of their city. As we all look forward to the 21st century with determination and courage, I hope for many more years of success and prosperity for this area.

TRIBUTE TO MURIEL RUSSELL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I recently had the pleasure of attending a reception honoring my dear friend, Muriel Russell, for the many contributions she has made to our community and particularly to the Michael-Ann Russell Jewish Community Center. It was a genuinely happy occasion, and one Muriel Russell truly deserves.

Muriel is a person of great strength, caring, and vision. She was able to overcome personal tragedy and turn adversity and sorrow into happiness and hope for hundreds of people. Her hard work and dedication are legendary, and our community has been enriched in so many ways because of her efforts.

Muriel Russell is a precious community resource. She is more than just appreciated and admired; she is genuinely loved. I am privileged to join with her many friends in saying thank you for all the wonderful things that she has done.

Mr. Speaker, I would like to share with my colleagues some additional information about this remarkable lady.

MURIEL RUSSELL

Muriel Russell, with her late husband Robert, was the moving force behind the Michael-Ann Russell Jewish Community Center. Muriel was born in Brooklyn, NY and has lived in Florida for many years. She became involved in the center's activity when her late daughter, Michael-Ann attended the nursery school at the YM-YMHA, the forerunner of our present Jewish Community Center.

Muriel was president of the Center for four years. She has always been involved in our community. Her many activities include: board positions in Greater Miami Jewish Federation, Jewish Welfare Board (now called the JCCA), Temple Israel, Florida Congressional Committee, American Israeli Public Affairs Committee, American Tel Aviv University, Cedars of Lebanon, and many more. Her latest awards are from Tel Aviv University, and the JCC for her "Ongoing Support and Leadership at the J". In spite of her many activities, the Michael-Ann Russell JCC will always be first in her heart and her affection is certainly reciprocated by our members.

She continues to be a leading force in the JCC. Her support goes beyond the resources that she shares, as she offers focus, vision and dedication to the purpose and mission of MAR-JCC.

H.R. 1414, THE PASSIVE LOSS CORRECTIONS ACT

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Ms. HORN. Mr. Speaker, I rise today in support of H.R. 1414, the Passive Loss Corrections Act. This legislation presents an opportunity to correct an injustice made in the 1986 Tax Code by reinstating the passive loss tax deduction for real estate investors. I feel this legislation is neither over zealous nor imprudent. The reestablishment of a passive loss tax deduction for losses incurred in the real estate market corrects an inequity. It is unfair when investors in financial markets are permitted a tax deduction when they lose money on their investments and investors in real estate have no similar deduction.

I feel this deduction is needed to achieve three aims. First, it will allow real estate investment for the long-term by lessening the financial burden of holding properties. This will help to carry investors through a soft market, such as the one the United States is experiencing now. Second, it will help move the properties currently held by the FIDC and the Resolution Trust Corporation back to the private sector where they belong. Finally, H.R. 1414 encourages investment in completed projects and will not promote the construction of new and unnecessary properties because it does not reestablish a tax shelter.

In order to claim a tax deduction in the new rules set forth in H.R. 1414, a minimum of 50 percent of one's professional time and 500 hours annually toward the property must be invested. In other words, by definition, individuals who qualify under these new rules would have to be committed to the profitability of their investment. This will prevent the use of this provision by people who are looking only for a tax break.

In the St. Louis metropolitan area alone there are currently 1,145 multiple family units for sale and an additional 798 which are no longer listed but were never sold. Fewer than one-third of the properties for sale in the last 2 years have changed owners. While these figures are staggering, they are rectifiable with the passage of H.R. 1414. This legislation will provide a much-needed catalyst to the real estate market nationwide. Moreover, H.R. 1414 will help to stabilize plummeting property values for home and business owners.

INTRODUCTION OF A BILL TO DECLARE CERTAIN PORTIONS OF WAPPINGER CREEK IN DUCHESS COUNTY, NJ, TO BE NONNAVIGABLE WATERS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. LENT. Mr. Speaker, I have introduced legislation today to reclassify part of a small creek branching off the Hudson River as nonnavigable waters. The purpose of the admit-

tedly obscure measure is to help preserve a form of transportation that is not waterborne—our railroad service. Wappinger Creek, the small stream affected by this bill, is crossed by a railroad bridge that carries the passenger traffic of Amtrak, the commuter traffic of the Metro-North Railroad, and the freight traffic of Conrail through the Hudson Valley. The bridge is actually owned by Metro-North. About 70 trains—60 of them passenger and commuter serve—traverse the bridge each day.

In earlier times, the entrance to Wappinger Creek off the Hudson needed to be accessible for waterborne commerce, and so the original railroad bridge was configured as a drawspan. Now, however, that requirement no longer exists, and to maintain the bridge as a drawspan not only imposes sizable unnecessary expenses on its rail users, but also impede the use of the latest continuous-welded-rail technology to make rail service faster and smoother. The last requested nongovernment opening of the drawspan occurred in the late 1970's. Beside normal deterioration, the drawspan mechanism was damaged by a suspected arson fire several years ago.

To bring the bridge back to current operational drawspan standards would cost approximately $6 million, and would impose sizable continuing maintenance costs. There is no marine usage sufficient to justify this expense, and those dollars are sorely needed by Amtrak and Metro-North in these times of fiscal austerity. Amtrak receives Federal tax dollars for those expenses that it cannot cover from revenues, just as Metro-North receives funds from the State of New York through the Metropolitan Transportation Authority for expenses not covered by fare collections. By reclassifying Wrapping Creek as nonnavigable, the Congress can bring the legal requirements affecting the bridge into harmony with the transportation realities of the situation and help conserve funds for transportation projects of real importance.

Changing the status of this former drawbridge due to evolving patterns of commerce and travel is similar to the change from an earlier era here in the immediate vicinity of the Capitol. Until the last 20 years or so, all Potomac River bridges below Georgetown—including Memorial Bridge and the railroad bridge that connects the Northeast corridor with all southerly routes—were required to be built and maintained as drawspans to assure navigability. Now times have changed, and the drawspan requirement has been dropped. The bill I am introducing today would merely recognize similar changing realities at Wappinger Creek's intersection with the Hudson River.

MANY HAPPY RETURNS TO JACK MANTON

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to John J. Manton who will celebrate his 81st birthday on Monday, October 7, 1991. I am proud to honor this Sunnyside community leader who also happens to be my Uncle Jack.

John J. Manton was born on October 7, 1910, in Roscommon, Ireland, to Bridget Connell and Thomas Manton. He was 1 of 10 children including Patrick, Barney, James, Michael, Joseph, Mary, Catherine, Della, and my father, Thomas. To his many friends and family he is known as "Jack" or "Uncle Jack."

Like so many others in 1926, he left the Emerald Isle to settle in New York City. Arrived during the Roaring Twenties and surviving the Great Depression, Jack Manton went on to serve his new country during World War II by joining the U.S. Army and achieving the rank of corporal.

After the war Jack returned to his job at the Long Island Railroad where he worked for more than 30 years. In 1949, at a hurling match in Gaelic Park, he met his future wife, Nora Cronin. The couple married in October 1950, and set up residence in Sunnyside, Queens.

Since settling in Sunnyside, Jack Manton has been actively involved in the community. Jack has been a member of the Holy Name Society of St. Teresa's Parish and has served as an usher of St. Teresa's Parish for more than 20 years. Jack also serves as the treasurer of the Anoroc Democratic Club and is an active and tireless campaigner for the Democratic Party. Finally, Jack is a long-time member of the Veterans of Foreign Wars.

Mr. Speaker, for his devotion to his community, Jack has become known as "the Unofficial Mayor of Sunnyside." We are all grateful to Jack Manton for his contribution as a citizen and patriot. As he begins another exciting year, I know all my colleagues join me in wishing Uncle Jack a very happy birthday.

HELP FOR WORKING FAMILIES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to expand the dependent care tax credit, make it applicable for respite care expenses, and make the credit refundable.

The increase of women entering the workforce and the aging population, has brought a corresponding increase in the need for both child and elderly care. The expenses incurred by such care can significantly strain a family's budget.

Bureau of Labor Statistics 1990 data reveal that over 54 percent of women with children under 6 years old work outside the home. Costs for out of home child care vary widely, with the average cost of full-time care approximating $3,500 per year, per child. Managing child care costs is difficult for many families, but is exceptionally burdensome for single heads of households, whose incomes are much lower, on average, that those of other families.

In addition, many working families are struggling with the cost of caring for elderly dependents. Parent care responsibilities have been steadily increasing since 1920 when there were five middle-aged persons for every one elderly person. Today there are only two middle-aged persons for every one elderly person. Further, the age group over 80 is the fastest growing segment of the population.

Since its enactment in 1976, the dependent care tax credit has provided significant Federal assistance to millions of families with child and adult dependents. The credit is available to taxpayers who incur work-related expenses for the care of a child under age 13, a disabled spouse, or any other dependent who is physically or mentally incapable of caring for him or herself. However, the value of the credit has eroded in recent years, particularly for low- and moderate-income families.

In 1981, Congress replaced the previously flat credit rate for dependent care with a sliding scale that focused the maximum benefit of the credit on lower income families.

Currently, a taxpayer with an annual income of $10,000 or less can claim 30 percent credit for work-related dependent care expenses up to $2,400. The credit is then reduced by 1 percentage point for each $2,000 of income between $10,000 and $28,000 to a minimum of 20 percent. Using this scale, a family earning $10,000 would have to pay $2,400 in taxes a year, nearly one-fourth of its income, to receive the maximum credit.

Present tax laws, however, preclude most families with an annual income of $10,000 or less from the tax liability necessary to receive the credit. In other words, a family that does not owe taxes cannot receive the benefit of the credit, even though they may incur work-related dependent care expenses.

My legislation is intended to solve these problems. The dependent care tax credit expansion I am proposing would address the increased needs and costs relative to dependent care and respite care by expanding the credit to more realistically reflect tax liability levels. First of all, the sliding scale would be raised to 50 percent of work-related dependent care expenditures for families earning $15,000 or less. The scale would be reduced by 1 percentage point for each additional $1,000 of income, down to a credit of 20 percent for persons earning $45,000 or more.

In addition, my legislation would index the dependent care tax credit to the cost of living and make it refundable, so that those families with incomes too low to have tax liability or whose credit exceeds their tax liability would have access to the credit. In this way, my bill would ensure that low-income families have the same access to the credit benefit as do middle and higher income families.

Finally, this legislation would expand the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents. This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization. Further, it is an important way to address the needs of elderly citi-

zens, the fastest-growing and increasingly vulnerable segment of our Nation's population.

The dependent care and respite care tax credit provisions of this bill offer a compassionate and prudent approach to helping families provide for their loved ones. I urge my colleagues to join me in this effort by supporting this important piece of legislation.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. GEKAS. Mr. Speaker, I would like to share with my colleagues remarks made by Dr. Robert Lefkowitz at a recent congressional biomedical research caucus briefing. Dr. Lefkowitz came from the Duke University Medical Center to describe his work with epinephrine receptors and other hormones which have resulted in the development of more effective and specific drugs for heart disease.

After Dr. Lefkowitz' remarks, I would like to share some general remarks made by Dr. W. Virgil Brown, president of the American Heart Association.

DRUG RECEPTORS: GATEWAY TO THE CELL, KEY TO NEW THERAPEUTICS

(By Dr. Robert J. Lefkowitz)

I too would like to thank Congressman Gekas for the opportunity to speak to you today about some of my perspectives on fundamental biomedical research, its current and future impact on heart and cardiovascular disorders and the importance of your support.

I am a Professor of Medicine and an Investigator of the Howard Hughes Medical Institute at Duke University Medical Center in Durham, North Carolina. My research career dates to 1968. In July of that year, together with Mike Brown and his colleague Joe Goldstein as well as Hal Varmus another Nobel laureate who recently addressed this group, I arrived at the NIH. We were all right out of our medical residencies, newly appointed officers in the USPHS who had come to the mecca of biomedical research in the world. Two years later, our assignments completed, we all returned to academia to finish our training as fellows in NIH supported training programs. Since that time all of us have continuously been supported by various NIH grants. I suspect that the importance of NIH research support is just as striking for most of the scientists who have appeared at this caucus.

My own research is focused on trying to understand the nature and regulation of molecules called receptors. These molecules are present on the surface of essentially all cells and represent the initial points of contact of various hormones, drugs and neurotransmitters with the cell. Each particular class of hormone or drug has its own types of receptor molecules. The molecular shapes of the particular hormone or drug and its receptors are exactly complementary. You might think of the receptors as locks and drugs or hormones as the keys which fit them and thereby unlock the cell. Once a substance binds to a receptor it may either stimulate some cellular process (these are called agonists) or in the case of many useful drugs they may cause no such stimulation but simply prevent other stimulatory substances from acting by competitively occupying the receptors. These are called antagonists or blockers.

Research over the past ten years in my laboratory and many others has led to the biochemical identification of these important receptor molecules, their isolation, determination of their molecular structures and unraveling of the mechanisms which regulate their function. I've been particularly interested in the receptors for epinephrine (also known as adrenaline) which are remarkably important in human physiology. Adrenaline and its close relative noradrenaline act on many cells and control such important bodily functions as heart rate and force, blood pressure, sweating and gastrointestinal function to name just a few.

I'd like to give you some examples of how basic research on these receptors impacts on an important clinical problem——hypertension.

More than 60 million people in the United States have hypertension. Its more common among blacks than whites and it increases with age. Uncontrolled, hypertension can lead to significant morbidity due to failure of the kidneys and the heart. Untreated, hypertension also significantly predisposes to strokes and heart attacks.

Despite decades of research the specific cause of hypertension remains unknown in 95% of cases. Nonetheless, giant strides have been made in the medical treatment of the disease. Presently blood pressure levels in hypertension patients can be adequately controlled by medical therapy in 85-90% of cases. This is true because although we do not understand the basic underlying cause of hypertension, we do understand a great deal about the factors which normally regulate blood pressure. As you can imagine this is a remarkably complex subject, to which entire text books are devoted. For the purposes of our discussion suffice it to say that several major systems are involved. One of the most important is the so called "sympathetic nervous system". This system consists of certain nerves which secrete noradrenaline and the adrenal gland which makes adrenaline. A good example of the functioning of this system is the classic involuntary "flight or fight" response that one has to a frightening or alarming stimulus. This consists of rapid heart beat, increased strength of cardiac action with palpitations, constriction of blood vessels, with elevated blood pressure, sweating, enlargement of the pupils—you get the idea. These responses occur because adrenaline and noradrenaline, released by sympathetic nerves and the adrenal gland bind to receptors on various cells and stimulate them. In patients with essential hypertension these normal physiologic mechanisms may be hyperactive leading to some elevation of blood pressure and heart rate even in the absence of specific alarming stimuli.

This physiological understanding forms the basis for various therapeutic approaches to hypertension. For example, drugs have been developed which bind to the receptors and block the actions of adrenaline and thereby lower blood pressure.

It turns out that there are various types of receptors for adrenaline, which perform different functions. Some control heart rate, some control tightening of blood vessel walls, some work on receptors in the brain. These receptors are generally called by Greek letters—alpha receptors, beta receptors and so forth. I'm sure many of you have heard of so called "β-blockers" which block the β-receptors and which are very useful for treating hypertension as well as other conditions such as angina.

The existence of more than one type of receptor for a particular substance like adrenaline is good news and bad news. The bad news is that drugs which affect the particular receptors you want to target will also often bind to other types of receptors which you don't want to target. This leads to side effects. For example, some of the antihypertensive drugs which are blockers of α or β receptors will not only lower blood pressure, but may cause the heart rate to drop too low causing dizziness, or they may have the opposite effect causing the heart rate to increase causing palpitations or they may lead to sexual dysfunction. These side effects are caused by the drugs reacting with receptors which are not specifically involved in regulating blood pressure but rather with these other functions.

So what's the good news. The good news is that if we could but isolate, characterize and test drugs against all the different closely related receptor types it might be possible to design drugs specific enough to fit only a single receptor type very effectively without binding to other closely related types. Recent fundamental research has brought this once seemingly distant goal to hand. In 1950 we knew of only two types of receptors for adrenaline. By 1975 the tally was four. Within the last five years the number has jumped to nine. The reason is that powerful, recently developed techniques for gene cloning which you have already heard about, have allowed us to isolate genes for a whole spectrum of closely related adrenaline receptors. Each of these genes can be inserted back into cells and now used in the laboratory as test reagents for screening for highly selective new agents. Such work is proceeding right now and should lead to very selective drugs capable of targeting specific receptor subtypes thus avoiding limiting side effects and toxicities. With the adrenaline receptors alone this approach will lead to novel drugs for treating not only hypertension, but also CHF, and angina. But the implications are not only for cardiovascular diseases. Other conditions where drugs interacting with adrenaline receptors play a major role include asthma, and more recently prostatic disease and impotence.

I want you to bear in mind that the specific examples I have just given you with adrenaline receptors provide a paradigm which appears to be quite general. Important physiological control systems exert their effects through numerous closely related receptor subtypes many of which have yet to be discovered. Basic research provides approaches to discovery of these receptors, isolation and manipulation of their genes and development of specific drugs which target each one.

I wish that I had more time to tell you about some of the other recent exciting discoveries with receptors which have direct implications for treating cardiovascular and other diseases. For example, we've recently discovered how the function of the receptors can be switched on and off by novel control systems within the cell. It turns out that a very general property of almost all agonist or stimulatory drugs is that their effects decrease over time. Apparently cells have evolved mechanisms for protecting themselves from such stimulation. This phenomenon is called desensitization, and while it plays an important adaptive role in some physiological circumstances it also markedly limits the therapeutic effects and duration of action of many drugs.

We recently discovered that when an agonist occupies its receptors and stimulates a cell it also stimulates other reactions which chemically inactivate the receptors, thereby limiting the drugs' effects. Recently, we've isolated the enzyme responsible for this inactivation reaction and even cloned its gene. It appears that there are a whole family of such enzymes which likely inactivate many different kinds of receptors. By developing inhibitors of these enzymes it should be possible to block or attenuate the desensitization process initiated by many drugs and thereby prolong and extend their therapeutic effects. I'm sure you can imagine the remarkable therapeutic implications of being able to control the function of such receptors by gaining control of the systems which inactivate them. And imagine, we didn't even know of the existence of these systems just a few years ago.

I hope that my brief remarks have helped you to better understand but one or two examples of how basic research into the nature and regulation of such important biological molecules as receptor can be rapidly translated into important clinical advances which can improve the quality and duration of life.

COMMENTS OF W. VIRGIL BROWN, M.D.

Good Afternoon, we are very pleased to have the opportunity to visit with you today to talk about the Biomedical Science Enterprise in the U.S. There are few issues which more directly concern the American people than their health—and the greatest threat to their health is cardiovascular disease.

Six million Americans know that they have coronary heart disease and millions more have the disease without learning of its presence—and they learn all too often by having a heart attack. Nearly three million people are living with the consequences of a stroke.

These statistics exist in spite of the tremendous progress we have made in diagnosis, treatment and prevention, and without this progress patients with known Coronary Artery Disease would number 10 to 12 million and stroke patients approximately 6 to 8 million.

Having those sick and disabled people in our population would have added significantly to the cost of medical care and would have reduced the productivity of the nation.

We believe we are making progress because of our growing knowledge of the causes of vascular disease, the new technology for its diagnosis and new, much more effective treatments.

You are going to hear about some of that research today. Wonderful examples of how placement of dollars into an environment with highly motivated medical investigators leads to fundamental understanding.

It is our ability to improve our knowledge which makes the future bright. Research is the major way in which we can improve the quality and increase availability of medical care while reducing the costs.

Appropriate and misdirected therapies are expensive. And most expensive are treatments which are partially effective—often applied very late in the disease. The existence of these problems is a natural part of medical practice but this can and does change most dramatically and definitively with scientific research fundings which clarify issues and make definitive treatments possible.

The existence of the Congressional Caucus for Biomedical Research gives new hope for unleashing the tremendous research talent available in this country.

The AHA believes we are at a crucial point in our history when we could address our ignorance about key health care issues in a manner that could be extremely beneficial for our people and for the world.

The AHA is dedicated to making this happen. We have 3.2 million volunteers and 2,000 divisions across this country—They will complete the dispersement of our first billion dollars for research this fiscal year. And we are committed to awarding another billion by the year 2000.

We are very excited about the new leadership in Congress which an help convince their colleagues of the central role research plays in addressing the health needs of the nation. We believe your strong interest and dedication will lead to the support needed to take full advantage of our Biomedical Research Enterprise.

Such support will prove to be tremendous investment. It will pay great dividends in the near future. But best of all new knowledge (unlike most investments) is not depleted by its use—it will be there to serve our children and their children.

IN MEMORY OF THE LATE PATRIARCH DEMETRIOS I—SPIRITUAL LEADER OF 300 MILLION ORTHODOX CHRISTIANS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my sadness over the passing of one of the world's great religious leaders—Patriarch Demetrios I. The world has experienced a terrible loss with the death of this remarkable man yesterday, October 2. Partiarch Demetrios will be remembered for his successful tenure as ecumenical patriarch, his warmth, humility and his vision.

Some in this Chamber may not realize it, but after the Catholic Church the Orthodox Church is the largest Christian body in the world with 6 million Orthodox Christians in the United States, and millions of followers in Russia, Eastern Europe, and elsewhere.

Patriarch Demetrios was installed in 1972 as Archbishop of Constantinople and was known as primus inter pares, or first among equals, of the five senior eastern European leaders. Patriarch Demetrios was born in Constantinople, once known as the new Rome, of the ancient Byzantine empire. The Orthodox Church is broken down into 14 churches including many ethnic groups: Greeks, Serbians, Russians, and Albanians.

Mr. Speaker, Patriarch Demetrios was the 269th successor to St. Andrew, the apostle. St Andrew, to whom Orthodox Christianity is traced, founded the church in Constantinople—which is known as Istanbul. However, many Orthodox Christians still refer to this great and historic city as Constantinople.

The partiarchate parallels the office of the Pope, and whereas the Pope is the successor to the Apostle Peter, the Orthodox Patriarch is the successor to the Apostle Andrew.

Patriarch Demetrios was truly a man dedicated to Christian unity in 1987, the Patriarch visited the Soviet Union, Eastern Europe, and the Archbishop of Canterbury in London. He also met with Pope John Paul II at the Vatican. The result of this historic meeting was a joint declaration in which both the Pope and the Patriarch issued a Declaration of Ecumenical Commitment expressing hope that through further dialog a full communion of the two churches might be possible.

What happened on that visit was truly remarkable—the two men recited the liturgy of the word together, the first time in a millennium that the Pope and the Orthodox Patriarch have joined together in reading the liturgy.

Patriarch Demetrios was the leader of the Greek Orthodox community in the United States—and my 7,000 Greek-American constituents in Tarpon Springs, FL, are saddened by the passing of the Patriarch. Memorial services are being held today at the Saint Nicholas Greek Orthodox Church in Tarpon Springs and similar services are being held nationwide.

Mr. Speaker, again I would like to ask that all of us here in the House of Representatives pause and reflect on the Patriarch Demetrios' grace, devotion, and desire to seek Christian unity. He was a remarkable man and we pray that his legacy will live on forever.