HOUSE OF REPRESENTATIVES—*Tuesday, August 11, 1992*

The House met at 12 noon.

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

We are grateful, O God, that people before us have pointed the way of justice and good will. We are thankful, O God, that many in the past have spoken of the values that represent the best of our Nation's history. We are aware, O God, that Your abiding word calls each of us to a commitment to work for understanding between all people, of every community and background and responsibility. Grant us, gracious God, a sense of purpose and will that honors our history and all that we have learned and may we express that purpose in our time by earnestly serving people in their needs and in their hopes. This is our prayer. Amen.

THE JOURNAL

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

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

Mr. MARLENEE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BOUCHER. 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 247, nays 116, not voting 71, as follows:

[Roll No. 377]

YEAS—247

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Bacchus
Bateman
Beilenson
Bennett
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Combest
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Fazio
Fish
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Kopetski
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Matsui
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Morrison
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Rowland
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schumer
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—116

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Coleman (MO)
Cox (CA)
Crane
Dannemeyer
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Goodling
Goss
Gradison
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
McCandless
McCrery
McDade
McEwen
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Quillen
Ramstad
Regula
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—71

Ackerman
Alexander
Atkins
AuCoin
Barnard
Berman
Boxer
Campbell (CO)
Clay
Collins (IL)
Collins (MI)
Condit
Coughlin
Cunningham
DeFazio
Dickinson
Dixon
Dymally
Early
Edwards (OK)
Espy
Feighan
Flake
Ford (TN)
Gingrich
Hall (OH)
Hansen
Hatcher
Hoyer
Hyde
Kennedy
Kolter
Kostmayer
LaFalce
Lehman (FL)
Livingston
Markey
Martin
Martinez
Mavroules
McCollum
McCurdy
Mfume
Moran
Mrazek
Neal (MA)
Oakar
Owens (NY)
Patterson
Paxon
Rangel
Ridge
Roe
Roybal
Russo
Sanders
Schulze
Serrano
Slattery
Solarz
Solomon
Tallon
Thornton
Towns
Traxler
Walker
Weber
Weiss
Williams
Wilson
Wise

□ 1227

So the Journal was approved.

The result of the vote was announced as above recorded.

Mr. KOSTMAYER. Mr. Speaker, I was unavoidably detained during roll call, vote No. 377. Had I been present, I would have voted "aye."

□ 1230

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentlewoman from Nevada [Mrs. VUCANOVICH] please lead the House in the Pledge of Allegiance.

Mrs. VUCANOVICH 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE SENATE

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

H.R. 4111. An act to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes, and

H.R. 5191. An act to encourage private concerns to provide equity capital to small business concerns, and for other purposes.

The message also announced that the Senate agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5) entitled "An act to grant employees family and temporary medical leave under certain circumstances, and for other purposes."

REAPPOINTMENT AS MEMBERS OF MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a) of Public Law 98-399, as amended by Public Law 101-30, the Chair reappoints as members of the Martin Luther King, Jr. Federal Holiday Commission the following Members of the House:

Mr. WHEAT of Missouri;
Mr. SAWYER of Ohio;
Mr. REGULA of Ohio; and
Mr. FRANKS of Connecticut.

APPOINTMENT AS MEMBER OF NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH

The SPEAKER. Pursuant to the provisions of section 6010(d)(1) of Public Law 102-240, the Chair appoints Mr. Walter J. Shea of Annapolis, MD, to the National Council on Surface Transportation Research.

PARLIAMENTARY INQUIRIES

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARLENEE. Mr. Speaker, I would ask the Chair, is a motion to adjourn a privileged motion?

The SPEAKER. The gentleman is correct.

Mr. MARLENEE. A further parliamentary, Mr. Speaker. Does that require a quorum?

The SPEAKER. An affirmative vote does not require a quorum. A negative voice vote could precipitate a roll call.

Mr. MARLENEE. A further parliamentary inquiry, Mr. Speaker. If a Member moved to adjourn, the Speaker could immediately call for the vote?

The SPEAKER. The Chair will put the question, yes.

Mr. MARLENEE. At that point, Mr. Speaker, if a quorum was not present, one could object to the vote because a quorum was not present?

The SPEAKER. If the vote were declared to be a negative vote, the question of a quorum could be raised.

Mr. MARLENEE. A further parliamentary inquiry, Mr. Speaker. At what point can a motion to adjourn be laid before the House?

The SPEAKER. At almost any point during the proceedings of the House.

Mr. MARLENEE. I thank the Chair for his response.

MAKING IN ORDER ON TODAY CALL OF THE PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be considered on today.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the unanimous consent agreement just agreed to, this is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

RODGITO KELLER

The Clerk called the bill (H.R. 240) for the relief of Rodgito Keller.

There being no objection, the Clerk read the bill as follows:

H.R. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to subsection (b), in the administration of the Immigration and Nationality Act, Rodgito Keller shall be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon the approval of a petition filed under section 204 of that Act by Edward D. Keller, citizen of the United States. The petition may be filed in the United States. (Include the following if child is in the United States.) Upon the approval of such petition, his status shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence if he meets the requirements of clauses (1) through (3) of section 245(a) of that Act.

(b) Subsection (a) shall only apply if the classification petition is filed within two years after the date of the enactment of this Act.

(c) The natural parents, brothers, and sisters of the beneficiary under subsection (a) shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. IMMEDIATE RELATIVE STATUS FOR RODGITO KELLER.

(a) IN GENERAL.—Subject to subsection (b), Rodgito Keller shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality act upon the filing of an application for an immigrant visa or adjustment of status.

(b) DEADLINE FOR APPLICATION.—Subsections (a) and (c) shall apply only if the application is filed within 2 years after the date of the enactment of this Act.

(c) ADJUSTMENT OF STATUS.—Subject to subsection (b), if Rodgito Keller enters the United States before the filing deadline specified in subsection (b), he shall be considered to have been lawfully admitted to the United States, and be eligible for processing, for purposes of adjustment of status under section 245 of the Immigration and Nationality act as of the date of the enactment of this Act.

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Rodgito Keller shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment on the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. FASCELL. Mr. Speaker, I am pleased that today we are able to consider H.R. 240, a private bill that I introduced for the relief of Rodgito Keller. Passage of this measure will help to alleviate what I firmly believe to be the unique situation this family currently faces and reunite Rodgito with his adoptive family in the United States.

Edward Keller, Rodgito's adoptive father, served several tours of duty with the U.S. Air Force in the Philippines. In 1984, during his final tour of duty, his wife's nephew, Rodgito, came to live with the family. A warm and close-knit family relationship developed and the Kellers subsequently adopted Rodgito in 1986. The Kellers first started adoptive proceedings in 1985 prior to Rodgito's 16th birthday, but were not able to complete the process because of the court system until after his 16th birthday. Although his natural parents are still living, they have voluntarily given up Rodgito and have no claims. They live in a different island in the Philippines and would receive no benefit from enactment. During the 5 years Rodgito lived with the Kellers in the Philippines, he worked very diligently at improving himself, learning English and becoming "Americanized."

In 1989, Mr. Keller's tour of duty ended and because Rodgito's adoption became final several months after he was 16, he was not allowed to return with them. Rodgito is currently residing with family friends of the Kellers in the Philippines. Since their return to the United States, the Kellers have been, and continue to be, Rodgito's sole source of financial and family support. The family remains in close touch through letters, cards, and telephone calls. Rodgito's continued separation from his family

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has only increased the hardship he now faced. This young man wants only to be reunited with his adoptive parents and brother in the United States.

The length of time Rodgito lived with his adoptive family both before and after his adoption, the fact that his adoption was finalized just after his 16th birthday and the Kellers have continued to provide almost full financial support and have continued to act as his parents and family in spite of the difficulties of such a long distance with the inherent problems of communications make this bill truly unique. From my knowledge of this situation and family, I believe that this legislation is truly merited.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIE D. HARRIS

The Clerk called the bill (H.R. 760) to permit Willie D. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

LUIS FERNANDO BERNATE CHRISTOPHER

The Clerk called the bill (H.R. 1100) for the relief of Luis Fernando Bernate Christopher.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

HOWARD W. WAITE

The Clerk called the bill (H.R. 1123) for the relief of Howard W. Waite.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

EARL B. CHAPPELL, JR.

The Clerk called the bill (H.R. 1280) for the relief of Earl B. Chappell, Jr.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JAMES B. STANLEY

The Clerk called the bill (H.R. 1759) for the relief of James B. Stanley.

There being no objection, the Clerk read the bill as follows

H.R. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $625,000 to the trustee, designated pursuant to section 4, for the benefit of James B. Stanley.

(b) BASIS.—The payment required by between (a) shall be to compensate James B. Stanley for the physical, psychological, and economic injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1958.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1(a) shall be in full satisfaction of all claims James B. Stanley may have against the United States for—

(1) the injuries received by him as described in section 1; and

(2) for any injuries received by him subsequent to his discharge from the United States Army that are the result of the injuries described in section 1.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

James B. Stanley shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury received by him as described in section 1.

SEC. 4. PAYMENTS TO TRUSTEE.

(a) ESTABLISHMENT OF TRUST.—The sum paid pursuant to section 1(a) shall be paid to a bank located in Florida as trustee for James B. Stanley, under a trust agreement to be entered into by such bank and James B. Stanley. Any such trust agreement shall be approved by the Attorney General prior to its being entered into by such bank and James B. Stanley.

(b) PROVISIONS OF TRUST.—The trust agreement entered into pursuant to between (a) shall provide that the trustee—

(1) initially pay the outstanding debts and obligations of James B. Stanley, including the legal fees and reimbursable expenses, as limited by section 5, incurred in connection with the benefits provided by this Act;

(2) invest the amount remaining after paying the outstanding debts and obligations described in paragraph (1) and hold the principal and interest in trust for the benefit of James B. Stanley;

(3) pay to James B. Stanley during his lifetime all of the net income of the trust on a monthly basis, and also pay or apply such amounts of the principle as the trustee deems necessary for the health, welfare, comfort, and maintenance of James B. Stanley; and

(4) pay to the estate of James B. Stanley, upon his death, all assets held in trust.

SEC. 5. LIMITATION OF ATTORNEYS' OR AGENTS' FEES.

It shall be unlawful for an amount of more than 10 per centum of the amount paid pursuant to section 1 to be paid to or received by any attorney or agent of James B. Stanley for any service rendered in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

With the following committee amendments:

Page 1, line 6 and page 2, line 1, strike "$625,000 to the trustee, designated pursuant to section 4, for the benefit of" and insert "$465,577 to".

Strike section 4 (page 2, line 23 through page 3, line 25 and redesignate section 5 as section 4.

Page 4, line 6, strike "benefits provided" and insert "payment made."

Mr. JOHNSTON of Florida. Mr. Speaker, I ask that the following explanatory documents be inserted in the RECORD immediately following consideration of H.R. 1759, for the relief of James Stanley.

BREAKDOWN FOR NON-ECONOMIC DAMAGES

I. DISSOLUTION OF FAMILY—$62,000

Causes

A. Violent with his wife.

Violent with his children.

For example: He would occasionally awake at night and beat his family and was then unable to recall the incident.

B. The smallest problem would send him into a violent fit of rage.

C. During blackouts he was unaware of his own actions, which were often reckless.

For example: He awoke one morning to find himself in his car with a woman he did not recognize.

F. Incapable of expressing himself.

G. Experienced depressions that would render him useless as a husband and a father.

Results

A. His wife left him.

B. His wife took his children away.

C. He no longer had any role in his childrens' lives.

II. PSYCHOLOGICAL TRAUMA—$55,000

A. violent nightmares.

B. hallucinations.

C. flashbacks.

D. blackouts/memory loss.

E. severe bouts of depression.

F. questioned his own sanity.

G. violent reactions/behavior.

III. THE EFFECTS OF THE 17 YEAR FAILURE TO BE INFORMED OF THE ADMINISTRATION OF LSD—$18,000

A. did not know what was wrong with him.

B. did not have the opportunity for treatment.

C. compounded his distress because he did not understand what was happening to him.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments 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.

AMENDMENT TO THE COMMITTEE AMENDMENTS OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment to the committee amendments.

The Clerk read as follows:

Amendment to the committee amendments offered by Mr. SENSENBRENNER: In lieu of the matter proposed to be inserted in section 1(a) of the bill by the committee amendment, insert "$400,577 to".

The SPEAKER pro tempore. The question is on the amendment offered

by the gentleman from Wisconsin [Mr. SENSENBRENNER] to the committee amendments.

The amendment to the committee amendments was agreed to.

The SPEAKER pro tempore. The question is on the committee amendments as amended.

The committee amendments, as amended, were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LLOYD B. GAMBLE

The Clerk called the bill (H.R. 3590) for the relief of Lloyd B. Gamble.

There being no objection, the Clerk read the bill as follows:

H.R. 3590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Lloyd B. Gamble of Fairfax, Virginia, the sum of $318,488.

(b) BASIS.—The payment required by subsection (a) shall be to compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 1, line 7, strike "$318,488" and insert "$253,488".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading and engrossment of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARLENEE. 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 377, nays 0, answered "present" 1, not voting 56, as follows:

[Roll No. 378]

YEAS—377

Abercrombie	Crane	Harris
Allard	Dannemeyer	Hastert
Allen	Darden	Hayes (IL)
Anderson	Davis	Hayes (LA)
Andrews (ME)	DeLauro	Hefley
Andrews (NJ)	DeLay	Hefner
Andrews (TX)	Dellums	Henry
Annunzio	Derrick	Herger
Anthony	Dicks	Hertel
Applegate	Dingell	Hoagland
Archer	Dixon	Hobson
Armey	Donnelly	Hochbrueckner
Aspin	Dooley	Holloway
AuCoin	Doolittle	Hopkins
Bacchus	Dorgan (ND)	Horn
Baker	Dornan (CA)	Horton
Ballenger	Downey	Houghton
Barrett	Dreier	Hoyer
Barton	Duncan	Hubbard
Bateman	Durbin	Huckaby
Beilenson	Dwyer	Hughes
Bennett	Eckart	Hunter
Bentley	Edwards (CA)	Hutto
Bereuter	Edwards (TX)	Inhofe
Bevill	Emerson	Ireland
Bilbray	Engel	Jacobs
Bilirakis	English	James
Blackwell	Erdreich	Jefferson
Bliley	Evans	Jenkins
Boehlert	Ewing	Johnson (CT)
Boehner	Fascell	Johnson (SD)
Bonior	Fawell	Johnson (TX)
Borski	Fazio	Johnston
Boucher	Fields	Jones (GA)
Brewster	Fish	Jones (NC)
Brooks	Foglietta	Jontz
Broomfield	Ford (MI)	Kanjorski
Browder	Frank (MA)	Kaptur
Brown	Franks (CT)	Kasich
Bruce	Frost	Kennelly
Bryant	Gallegly	Kildee
Bunning	Gallo	Kleczka
Burton	Gaydos	Klug
Bustamante	Gejdenson	Kolbe
Byron	Gekas	Kopetski
Callahan	Gephardt	Kyl
Camp	Geren	LaFalce
Campbell (CA)	Gibbons	Lagomarsino
Cardin	Gilchrest	Lancaster
Carper	Gillmor	Lantos
Carr	Gilman	LaRocco
Chandler	Glickman	Laughlin
Chapman	Gonzalez	Leach
Clement	Goodling	Lehman (CA)
Clinger	Gordon	Lent
Coble	Goss	Levin (MI)
Coleman (MO)	Gradison	Levine (CA)
Coleman (TX)	Grandy	Lewis (CA)
Combest	Green	Lewis (FL)
Conyers	Guarini	Lewis (GA)
Cooper	Gunderson	Lightfoot
Costello	Hall (OH)	Lipinski
Coughlin	Hall (TX)	Livingston
Cox (CA)	Hamilton	Lloyd
Cox (IL)	Hammerschmidt	Long
Coyne	Hancock	Lowey (NY)
Cramer	Hansen	Luken
Machtley	Pease	Slaughter
Manton	Pelosi	Smith (FL)
Marlenee	Penny	Smith (IA)
Martinez	Perkins	Smith (NJ)
Matsui	Peterson (FL)	Smith (OR)
Mavroules	Peterson (MN)	Smith (TX)
Mazzoli	Petri	Snowe
McCandless	Pickett	Spence
McCloskey	Pickle	Spratt
McCrery	Porter	Staggers
McCurdy	Poshard	Stallings
McDade	Price	Stark
McDermott	Quillen	Stearns
McEwen	Rahall	Stenholm
McHugh	Ramstad	Stokes
McMillan (NC)	Rangel	Studds
McMillen (MD)	Ravenel	Stump
McNulty	Reed	Sundquist
Meyers	Regula	Swett
Michel	Rhodes	Swift
Miller (CA)	Richardson	Synar
Miller (OH)	Riggs	Tanner
Miller (WA)	Rinaldo	Tauzin
Mineta	Ritter	Taylor (MS)
Mink	Roberts	Taylor (NC)
Moakley	Roe	Thomas (CA)
Molinari	Roemer	Thomas (GA)
Mollohan	Rogers	Thomas (WY)
Moody	Rohrabacher	Thornton
Moorhead	Ros-Lehtinen	Torres
Moran	Rose	Torricelli
Morella	Rostenkowski	Traficant
Morrison	Roth	Unsoeld
Murphy	Roukema	Upton
Murtha	Rowland	Valentine
Myers	Roybal	Vander Jagt
Nagle	Russo	Vento
Natcher	Sabo	Visclosky
Neal (NC)	Sangmeister	Volkmer
Nichols	Santorum	Vucanovich
Nowak	Sarpalius	Walsh
Nussle	Savage	Washington
Oberstar	Sawyer	Waters
Obey	Saxton	Waxman
Olin	Schaefer	Weldon
Olver	Scheuer	Wheat
Ortiz	Schiff	Whitten
Orton	Schroeder	Wise
Owens (UT)	Schumer	Wolf
Oxley	Sensenbrenner	Wolpe
Packard	Sharp	Wyden
Pallone	Shaw	Wylie
Panetta	Shays	Yates
Parker	Shuster	Yatron
Pastor	Sikorski	Young (AK)
Patterson	Sisisky	Young (FL)
Paxon	Skaggs	Zeliff
Payne (NJ)	Skeen	Zimmer
Payne (VA)	Skelton	

NAYS—0

ANSWERED "PRESENT"—1

Ray

NOT VOTING—56

Ackerman	Feighan	Oakar
Alexander	Flake	Owens (NY)
Atkins	Ford (TN)	Pursell
Barnard	Gingrich	Ridge
Berman	Hatcher	Sanders
Boxer	Hyde	Schulze
Campbell (CO)	Kennedy	Serrano
Clay	Kolter	Slattery
Collins (IL)	Kostmayer	Solarz
Collins (MI)	Lehman (FL)	Solomon
Condit	Lowery (CA)	Tallon
Cunningham	Markey	Towns
de la Garza	Martin	Traxler
DeFazio	McCollum	Walker
Dickinson	McGrath	Weber
Dymally	Mfume	Weiss
Early	Montgomery	Williams
Edwards (OK)	Mrazek	Wilson
Espy	Neal (MA)	

□ 1257

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KOSTMAYER. Mr. Speaker, I was unavoidably detained during roll call vote No.

378. Had I been present, I would have voted "aye."

□ 1300

The SPEAKER pro tempore (Mr. McNULTY). The Clerk will call the next individual bill on the Private Calendar.

MELISSA JOHNSON

The Clerk called the bill (H.R. 455) for the relief of Melissa Johnson.

There being no objection, the Clerk read the bill, as follows:

H.R. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT FOR THE BENEFIT OF CLAIMANT.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $125,000 to Melissa Johnson of Barryville, New York. Such sum shall be in full and complete settlement of all claims against the United States arising out of the personal injuries and mental pain and suffering incurred as a result of the sexual assault and molestation of Melissa Johnson by an employee of the United States Postal Service on June 3, 1982, and various other dates.

SEC. 2. DEPOSIT OF AMOUNT IN TRUST ACCOUNTS.

Barbara Johnson Lizzi of Barryville, New York, the mother of Melissa Johnson, shall deposit the sum paid under section 1 in a federally insured depository institution in an interest bearing account or accounts in trust for Melissa Johnson. Barbara Johnson Lizzi shall serve as sole trustee of such account or accounts and, as such trustee—

(1) shall pay those debts and obligations which are outstanding at the time the sum is paid under section 1 to the extent those debts and obligations arise from the injuries and pain and suffering described in section 1;

(2) shall, until Melissa Johnson reaches the age of majority under the laws of the State in which Melissa Johnson is residing at the time, pay, from the amounts in the trust account or accounts, expenses incurred for Melissa Johnson's medical care and education; and

(3) shall, when Melissa Johnson reaches the age of majority under the laws of the State in which Melissa Johnson is residing at the time, pay to Melissa Johnson all amounts remaining in the trust account or accounts.

SEC. 3. LIMITATION ON ATTORNEYS' FEES.

Not more than 10 percent of the amount appropriated by section 1 may be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim described in section 1, notwithstanding any contract which provides otherwise. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATRICIA A. McNAMARA

The Clerk called the bill (H.R. 712) for the relief of Patricia A. McNamara.

There being no objection, the Clerk read the bill, as follows:

H.R. 712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim for the reimbursement of retirement benefits prior to November 1, 1982, Patricia A. McNamara of Deerfield Beach, Florida.

(b) DEADLINE.—Subsection (a) shall apply only if Patricia A. McNamara submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

Mr. SHAW. Mr. Speaker, I would first like to commend the efforts of the Judiciary Committee in getting this important bill to the floor. I am speaking to you today in an effort to correct an injustice that has been committed by the Navy upon Mrs. Patricia A. McNamara and her family.

On April 8, 1974, the late Laurence Vincent McNamara, husband of Patricia, received an advance to the rank of lieutenant (03–E). With this advance in rank should have come an increase in retirement pay. Unfortunately, due to an error by the Naval Personnel Department, Lieutenant McNamara never received the pay increase.

The McNamaras first became aware of the error when a Navy-assigned Survivor's Officer pointed it out during a routine check of Mrs. McNamara's records shortly after his death in 1988. After learning of the mistake, Patricia McNamara and her son, Laurence V. McNamara, contacted the Navy Finance Center on behalf of their father and husband to receive this lost pay. On March 1, 1989, Mrs. McNamara received a check for $30,095.46 in backpay.

This check only represents the amount owed to Lieutenant McNamara retroactive to November 1, 1982. Due to section 1 of Public Law 820, any claim not received in the General Accounting Office within 6 full years after the date the claim first accrued is barred from consideration. Therefore, additional moneys owed to Lieutenant McNamara prior to November 1, 1982, totaling $34,911.84, were not paid.

This is an error that deserves to be corrected. That is why I introduced H.R. 712, a bill to waive the statute of limitations on reimbursement of retirement benefits owed to Patricia McNamara. The original intent of section 1 of Public Law 820 was to serve as a cost-saving measure to prevent citizens from filing unsubstantiated claims against the Government.

In the McNamara case, this is not an issue. The moneys owed have been clearly documented by Government records. The Navy has admitted its error and the amount of money owed to the McNamara's is not in dispute. In a letter to the chairman of the House of Representatives Committee on the Judiciary, Rear Adm. W.J. Flanagan, Jr., of the Department of the Navy writes:

The Department of Defense generally opposes private relief legislation of this type which has the effect of waiving the statute of limitations in a preferential manner. In the case of Lieutenant McNamara, however, in view of any uncertainty over the amount involved, the Department does not oppose the proposed bill.

With this information, I am hopeful that this error can be corrected and that Mrs. McNamara and her family can receive the $34,911.84 rightly owed to them for the service rendered to the Navy by their late husband, Laurence Vincent McNamara. I urge this body's favorable consideration of H.R. 712.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM A. KUBRICK

The Clerk called the bill (H.R. 2345) for the relief of William A. Kubrick.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

RICHARD W. SCHAFFERT

The Clerk called the bill (H.R. 2563) for the relief of Richard W. Schaffert.

There being no objection, the Clerk read the bill as follows:

H.R. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The limitations set forth in sections 6511 and 6514(a) of the Internal Revenue Code of 1986 (relating to filing and allowing claim for credit or refund of tax overpayment) shall not apply to a claim filed by Richard W. Schaffert of Lincoln, Nebraska, for credit or refund of an overpayment of the individual Federal income tax Richard W. Schaffert paid for the taxable year 1983.

(b) DEADLINE.—Subsection (a) shall apply only if Richard W. Schaffert submits a claim pursuant to such subsection within the 1-year period beginning on the date of the enactment of this Act.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 2563, a private bill for the relief of Mr. Richard Schaffert.

Mr. Schaffert is one of this Member's constituents who served this country in Vietnam, was injured in the course of that service, and who has been treated in a most unfortunate manner by the Government since his retirement from the military in 1983.

This Member will be brief in outlining the situation which has made this private relief bill necessary.

Mr. Schaffert served as a Navy fighter pilot for 17 years. As a result of the strain placed upon his body by the forces at work in launching, flying, and landing a fighter plane, Mr. Schaffert became disabled, unable to walk more than short distances and subject to painful, and extended leg cramps. At his retirement in 1983, Mr. Schaffert was rated at 10 percent disability by the Veterans Administration. He appealed this rating, and 4 years and

8 months later the VA altered their determination and found Mr. Schaffert 80 percent disabled.

Under the Internal Revenue Code, veterans are entitled to tax-free status on VA compensation. Upon receiving the 80 percent disability determination by the VA, Mr. Schaffert sought to amend his IRS tax returns for years 1983, 1984, 1985, and 1986. He received refunds for years 1984 thru 1986, but was informed that the statute of limitations for amending his 1983 tax return had expired on April 15, 1987, 11 months before the VA had completed processing his claim. The amount of refund from 1983 that Mr. Schaffert is entitled to is a sum just over $3,000. Correspondence from the IRS, which this Member requests to be inserted into the RECORD at this point, states that the only solution to this dilemma would be the passage of special legislation.

Hence, Mr. Schaffert contacted this Member. In the 101st Congress, this Member introduced H.R. 2492, a measure similar to H.R. 2563, but no action was taken on that bill. Action has been more favorable on H.R. 2563. It is this Member's sincere hope that the House will pass H.R. 2563, and give Mr. Schaffert the relief he rightly deserves and for which he has waited so long.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRWIN RUTMAN

The Clerk called the bill (H.R. 3664) for the relief of Irwin Rutman.

There being no objection, the Clerk read the bill, as follows:

H.R. 3664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUBLIC SAFETY OFFICER DESIGNATION.

For purposes of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), relating to benefits for survivors of public safety officers, Irwin Rutman of Staten Island, New York, shall be deemed to have been a public safety officer on October 29, 1990, and his family shall be entitled to death benefits under such part.

SEC. 2. LIMITATION OF ATTORNEYS' AND AGENTS' FEES.

No amount exceeding 10 percent of a payment made under section 1 may be paid to or received by any attorney or agent for services rendered in connection with the payment. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to fine in the amount provided under title 18, United States Code.

SEC. 3. EFFECTIVE DATE.

The provisions of section 1 shall take effect on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of the estate of Irwin Rutman."

A motion to reconsider was laid on the table.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the remainder of the Private Calendar be dispensed with.

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

Mr. MARLENEE. Reserving the right to object, Mr. Speaker, would the gentleman restate the unanimous-consent request?

Mr. BOUCHER. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Virginia.

Mr. BOUCHER. The unanimous consent request is that the reading of the remainder of the Private Calendar be dispensed with.

Mr. MARLENEE. How many do we have?

Mr. BOUCHER. Mr. Speaker, if the gentleman will yield, there are 19 additional bills on the Calendar which have not been reported by the committee a sufficient length of time to be considered on the floor.

Mr. MARLENEE. 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.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 bill just passed on the Private Calendar.

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

There was no objection.

ABUSE OF SPEECH AND DEBATE CLAUSE

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

Mr. FAZIO. Mr. Speaker, the speech and debate clause protects the independence of this institution, but we are open to attack for its abuse or misuse and we need to be careful when we use it to cover remarks regarding the private lives of individuals.

Last week, my colleague, the gentleman from California [Mr. DORNAN] made some unwarranted remarks about both Gov. Bill Clinton, the Democratic Presidential candidate, and about Kate Michaelman, the president of NARAL.

First of all, candidates for President are no different from any Member who is running for higher office, or the President himself, and should be treated in the same manner.

More importantly, in Ms. Michaelman's case, the gentleman from California [Mr. DORNAN] made an irrelevant reference to her personal affairs, a reference which I found not only disrespectful to her, but to all women.

Additionally, Ms. Michaelman's medical history is her personal, private business, and has no bearing on the legislative business of this body.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield? She discussed it in front of the Supreme Court.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from California [Mr. DORNAN] is out of order.

The time of the gentleman from California [Mr. FAZIO] has expired.

WHO ARE THE RICH, MR. CLINTON?

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

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds of my time to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman yielding this time to me.

I hope we can continue to confine ourselves to meaningful, relevant debate on issues of importance to the Nation, that we can avoid such comments and not set a precedent for using the well for remarks about private citizens who are not permitted to be on the floor to defend themselves. When the gentleman from California makes these inappropriate comments, it strikes at the heart of the speech and debate clause and undermines this institution.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTON] has 30 seconds remaining.

Mr. BARTON of Texas. Mr. Speaker, Arkansas Governor Bill Clinton wants to raise taxes if he becomes President.

Today, he claims he will raise taxes only on the rich, but if he becomes President, he will change the definition of rich to include anyone who has a job.

Quoting the Pine Bluff Commercial: "If Congress followed the example Bill Clinton has set as Governor of Arkansas, it would pass a program that hits the middle class the hardest."

Under Clinton's economic plan, he says he will raise $83 billion with an income tax increase.

However, Governor Clinton's idea to raise the top rate from 31 percent to 36 percent only raises $50 billion. Where will the rest of the money come from? You guessed it. The middle class.

Mr. Speaker, the voters should beware. In Clinton-speak, rich really means middle class.

In my mind, and in the mind of George Bush, the middle class already pays too many taxes.

BROKEN PROMISES

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

Mr. SMITH of Florida. Mr. Speaker, the Republican Convention will take place next week in George Bush's hometown of Houston. The President has already said that he expects the No. 1 issue of this campaign to be trust.

But before you listen to all the promises that the President will make in Houston, the American people have to make the decision on whether they should trust him to keep them. I would like to remind you, however, of some of the promises he made last campaign.

He promised no new taxes and raised taxes over 100 times.

He promised 30 million new jobs, but gave us record unemployment.

He promised to balance the budget, and yet allowed our Federal debt to explode, asking Congress to approve his budgets, which were billions of dollars in the red. We approved less than he asked for.

He promised to sign a family medical leave bill, and promptly and proudly vetoed it.

He promised not to raid Social Security, and then raided it himself to pay for the deficit.

Mr. Speaker, when America is watching the Republican Convention next week I hope they remember all the promises the President has broken, and remember that trust is indeed one of the most important issues this fall.

THE CHARLETTE PERRY REPLACEMENT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, if anybody on the majority side wants to stand in front of me before my 1 minute is up and yell "regular order" as the gentleman from North Carolina [Mr. HEFNER] did the other day, then we are going to go off the clock until the rude Member is out of my face because I will get my full 1 minute.

The gentleman from California [Mr. FAZIO] reaches way back to a speech I made about the director of the National Abortion League, Kate Michelman. If I brought her up in this, mentioned her in an abortion debate, it is understandable. Because she came out to my district and did her best to defeat me—with hundreds of thousands of dollars—and made radio spots herself. All this in a Republican primary.

In one radio spot she called me "a really dangerous individual, a dangerous man." Mr. FAZIO insinuates that I somehow revealed personal information about Michelman in my speech. That's baloney. Five years ago on CNN's "Crossfire," Michelman told the world that she aborted her fourth child because her husband deserted her. Tragic, but her call to go public.

But then she goes before the U.S. Senate Judiciary Committee to testify against Justice Clarence Thomas, again on national television, and discloses her abortion of her fourth child. She usually adds she was a Catholic. Why? And each time Michelman acts as if she is revealing this destruction of a life for the first time. And that is exactly the way it was covered on all three major networks. A new tragic confession. Every time Michelman reveals her tragic past, it's handled by liberals as a new, new heartbreaking revelation.

Now, I would like to say, if you Democrats want to depoliticize this, well then go ahead, be as tough as the gentleman from Florida [Mr. SMITH] just was. He was tough but fair, as I have always tried to be. But stop characterizing the President of the United States, a bona fide carrier attack pilot war hero with 58 combat missions, as a two-faced man who is always lying. I am wearing this Bush torpedo bomber pin in his honor.

I wear it also to remind people that Bill Clinton let three high school graduates from Hot Springs, AR, take his place in the draft in June 1968, April 1969, and August 1969. He also took a qualified lady, Charlette Perry, who happens to be African-American, and gave a job that should have been hers to Gennifer Flowers, who was unqualified. The job—the job that rightfully belonged to Mrs. Perry—paid $3,000 a year more than the Arkansas Lieutenant Governor.

Tomorrow, I will submit for the RECORD the transcript from the now infamous Flowers-Clinton tapes about this unseemingly incident, where the Governor clearly tells Flowers to lie to the press about the Charlette Perry job.

I am also submitting a short analysis of this incident done by a group called Concerned Citizens. And the fact is that if Bill Clinton is elected, an awful lot of people are going to be in the same boat as Mrs. Charlette Perry, in other words, without a job.

The Joint Economic Committee's Republican staff has studied the Clinton economic plan carefully and has determined it would result in 1.8 million jobs lost. America doesn't need that kind of help. Remember Charlette Perry.

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

THE ECONOMY NEEDS A NEW DRIVER

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

Mr. DERRICK. Mr. Speaker, the economy—like an automobile running on empty—sputters and shakes.

For the past 4 years, President George Bush has detoured around job creation and he has put the brakes on the economic recovery.

Since the beginning, the Bush administration has demonstrated its preference for overseas travel at the expense of U.S. jobs and the American worker. The President would rather fly to Tokyo than take a bus trip to Chicago.

We need to revitalize the economy and to shift the recovery out of neutral. Between now and November, the White House may take joy rides along the "Lane of Family Values." Such outings, however, are no more than cruises on the "Boulevard of Broken Promises."

Jobs. Jobs. Jobs. That is what it will take to fuel this economy.

Mr. Speaker, the American people do not need a new car. They require a new driver. It is time to revoke George Bush's license.

INTRODUCTION OF LEGISLATION TO REPEAL SERVICE CONTRACT ACT OF 1965

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

Mr. ALLEN. Mr. Speaker, I am going to speak about laws, and not the Presidential campaign.

I also hear a lot from my constituents that instead of adding laws, let us repeal some laws.

So rather than add more laws last week, I introduced legislation to repeal the Service Contract Act of 1965.

The counterproductive Service Contract Act requires service contractors to pay their employees a federally mandated and inflated prevailing wage rate, which is often based on collective bargaining agreements in a general region. Businesses which contract with the Federal Government should not be required to pay higher wages than private sector contractors normally pay.

This inflated wage requirement, and the bureaucratic red tape accompanying this law, make small businesses reluctant to seek contracts with the Federal Government. Repealing this misguided law will increase opportunity for small business people and provide more job opportunities for Americans.

In addition, this legislation is estimated to save taxpayers $2 billion over 5 years.

The bill is supported by the National Federation of Independent Businesses, the National Taxpayers Union, the Heritage Foundation, and the Contract Services Association. I would invite my colleagues to join me in sponsoring this legislation to help small business and taxpayers.

□ 1310

PROMISES SHOULD NOT BE BROKEN

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

Ms. DELAURO. Mr. Speaker, one of the first things a child is taught is that promises should not be broken. We say to our children, "If you make a promise, you should keep it."

President Bush promised not to raise taxes, but he did. He promised 30 million new jobs and has given us the slowest job growth since the Great Depression. And in 1988, George Bush promised to protect Social Security. He said, "I will not permit Social Security to be raided for social spending programs. Nothing I have proposed suggests that I would do that."

Mr. Speaker, I agree with George Bush. Social Security should be protected, however President Bush does not seem to agree with candidate Bush. President Bush has borrowed heavily from the Social Security trust fund every year since his Presidency, $281 billion in the last 4 years, and now the President's advisers have come up with a plan that would cut taxes for the rich and finance it with cuts in Social Security and Medicare.

Mr. President, President Bush is being told once again to break a promise. This is a violation of a sacred trust with the American people, particularly older Americans. We do not need more broken promises. We need leadership for a change.

CLINTON AND HIS TAXES

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

Mrs. VUCANOVICH. Mr. Speaker, all Americans had better beware: Bill Clinton claims he will tax only the rich to bring down our deficit. But in looking at his actions so far, we know this is not true.

Bill Clinton has already imposed 128 taxes and fees on the people of Arkansas while Governor, 50 of which were directed to middle-income families. Do you consider that "fair?"

Clinton's economic plan calls for a $150 billion tax increase, twice as big as Walter Mondale's and Michael Dukakis' proposals combined. His plan will put 2.6 million people out of work. Are we going to allow Clinton to hide behind his rhetoric?

It is time for the American people to see through this charade. Bill Clinton equals higher taxes. His tax increases will hit families of all incomes. Don't let him fool you.

THE WHITE HOUSE EFFECT

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

Ms. PELOSI. Mr. Speaker, remember when candidate George Bush 4 years ago promised he would be the environmental President? And he told us then, "Those who think we're powerless to do anything about the greenhouse effect are forgetting about the White House effect."

Mr. Speaker, the White House effect on the environment has been a whitewash.

William Reilly, EPA Administrator and head of the U.S. delegation to the Earth Summit, stated in an interagency memo the failures of this administration at the Earth Summit. He said:

"We assigned a low priority to the negotiations of the biodiversity treaty, were slow to engage the climate issue, were last to commit our president to attend Rio. We put our delegation together late, and we committed few resources. No doubt, this contributed to negative feelings toward the United States."

Ironically, Mr. Speaker, George Bush, who claims to be our foreign affairs President, is an isolationist when it comes to the environment, and domestically, when the President tries to fire up tired rhetoric about his environmental achievements, his Vice President has been assigned to work behind the scenes to reduce environmental protection regulations to ashes.

Mr. Speaker, it will take more than a backdrop of the Grand Canyon, or the California Sequoias, to convince the American public that there is any reality behind the rhetoric. There has been a White House effect, all right, but it has not had a good effect on the environment. The President promised the American people he would be the environmental President. Instead, he is an environmental disaster.

REPEATING HISTORY

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

Mr. ZELIFF. Mr. Speaker, those who do not believe in history are doomed to repeat it.

Bill Clinton doesn't believe the Carter years were all that bad.

And now he wants to repeat them.

He cannot believe that this country actually suffered from double-digit inflation and high interest rates. He will not believe that Carter's economic policies caused stagflation.

Now, he is intent on repeating those same serious errors that caused the economic disasters of the late seventies.

In his tax plan, Bill Clinton raises taxes and increases the deficit. That is definitely a prescription for disaster.

But Clinton doesn't see it that way. No, to him it is the old fairness issue.

Winston Churchill once said that the inherent virtue of socialism is the equal sharing of miseries.

Well, that's what Bill Clinton, if elected, will surely accomplish. Spread the misery to everyone.

Misery this Nation has not known or seen since the Carter years.

Maybe that is the fundamental goal of the Clinton campaign. Or perhaps they just don't remember their history.

They just do not get it.

THE AMERICAN PEOPLE WERE FOOLED ONCE BUT WILL NOT BE FOOLED AGAIN

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

Mr. PANETTA. Mr. Speaker, one of the biggest problems in dealing with the deficit is the so-called double standard which says, "Your spending increases the deficit, and my spending reduces the deficit."

The best example of that was the promise that was made in the early 1980's by the supply-siders who said that they could dramatically reduce taxes, largely for the wealthy and add to the deficit about $750 billion, but that growth would somehow reduce the deficit. Growth occurred, but it was the wrong kind of growth. Unemployment grew, poverty grew, taxes actually were increased by $1.2 trillion, and the deficit quadrupled to $4 trillion.

Yesterday a group of Republicans said, "That worked so well we'd like to do it again," in recommending supply-side, part 2, which would cut taxes and add $1 trillion to the deficit over 5 years and that growth would take care of it.

The real question right now is: Where does the President stand on all these issues? Is he for supply-side, part 2, and adding $1 trillion to the deficit? Is he for reducing the deficit, as he did in the budget agreement and for which he has apologized, or will he promise to do both?

The American people were fooled once. They will not be fooled again.

CONGRESS MUST APPLY THE SAME REGULATIONS TO ITSELF AS IT DOES FOR EVERYONE ELSE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, in January in this House there was great interest in doing something about the tarnished collective image of the Congress. Unfortunately, not much has come about, and that has been replaced by interest in individual campaigns.

Mr. Speaker, at that time I proposed a declaration of credibility. It has to do with jobs, an economic package, tax reform and reducing the tax burden. It had to do with budget reform, line item

veto and a budget amendment. It had to do with campaign reform, which we have not done, and a work schedule based on accomplishment, not recess deadlines. But, most of all, it said, "The Congress ought to live under the same regulations that apply to everyone else."

Mr. Speaker, last week the Committee on Government Operations said to the White House and to the Competitiveness Council, "Let's have some sunshine laws." I think that is fine.

I had an amendment that said, "Why don't we in the Congress live under that same sunshine law?" Of course the Congress said no, that we do not want to do that; we simply want to impose it on someone else.

Mr. Speaker, it is too bad that the Congress will never have credibility unless it applies to itself the same regulations it applies to everyone else.

THE TAX AND SPEND GANG

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, there is a new gang on the road today. Like Butch Cassidy and the Sundance Kid, like Bonnie and Clyde, this new gang has captured the media's imagination.

They are known best as the "Tax and Spend Gang."

The leader of the gang, Mr. Tax, has savaged the State of Arkansas for over 10 years and 128 times he has forced the people of Arkansas to fork over more money in taxes and fees.

His partner, Mr. Spend, has done most of his dirty work in Washington D.C. He is one of the most proficient spenders in Senate history.

In fact, he was rated the biggest spender by the National Taxpayers Union 2 years in a row, 1989 and 1990.

And now the Tax and Spend Gang want a bigger piece of the action: The Presidency.

To get there, they have promised to raise taxes only on the rich. But they won't tell you their definition of rich includes the middle class.

Mr. Speaker, the Tax and Spend Gang may be media darlings today, but if elected, they will be the worst nightmare the middle class ever had.

WHAT ABOUT AMERICA?

(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, President Bush said yes to $10 billion worth of loan guarantees for Israel, and Israel officially said, "Great." These loan guarantees will not only be used for housing, but they will help to create thousands and thousands of jobs desperately needed in Israel.

Mr. Speaker, last year 70 billion for Kuwait, 13 billion last week for Russia, 10 billion this week for Israel. Tell me, Mr. Speaker, what about America?

Mr. Speaker, if we could find loan guarantees for Russia and Israel and we can liberate Kuwait, what about the cities of our own country?

I say to my colleagues, "I don't know about you, but I can't justify this helping to create jobs in Russia, and Israel and all over the world when American workers are backed up miles long in unemployment lines all over our own country. I think it's time to use some of our own money for our own people who are basically down and out."

WHAT'S WRONG WITH SOME BUDGET SUNSHINE?

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

Mr. GOSS. Mr. Speaker, southwest Floridians are outraged that spending is approved by the Congress without debate or separate vote. People wonder how dubious and highly specialized low priority projects win continued funding without the full scrutiny of Congress? The problem in part is the outdated and perversely complicated budget process in which all-powerful committee chairmen load voluminous appropriations legislation with these questionable expenditures. While it is clear from our $4 trillion debt that this process just does not work, it defies logic as to why the majority leadership is still blocking the necessary reform. We have tried no fewer than 4 times this year to approve a line item veto allowing the president to strike out wasteful spending from mammoth appropriations bills. People ask, "What's the majority leadership afraid of? What's wrong with a little bit of sunshine and open debate on the merits of spending programs?" If a program is worthwhile, there should be nothing to fear and everything to gain from a line item veto. Now is a time to get serious about chopping waste. Americans across the land are demanding it.

IT IS TIME FOR A CHANGE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, after 4 years of failure Mr. Bush says, "America is poised for an economic recovery."

Where has he been? Bushonomics in 4 years has sent more jobs and industries to Mexico, China, and Japan. There are more people on the unemployment lines, a million and a half more than when he came into office. It has caused 45,000 business failures, just in the first 5 months of this year. That is a 16-percent increase.

The Bushonomics answer to all of this is: More tax breaks for the rich, and he will get it because he controls Congress. Why? He only needs a majority of votes here. If the Democrats want to pass anything, they need two-thirds of a majority to override a veto.

Clearly Bushonomics controls by veto power. It is time for a change. Give the Government back to the people.

□ 1320

FLORIDA STATE UNIVERSITY RECLAIMS ITS ACRONYM—FSU

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

Mr. SHAW. Mr. Speaker, it has come to my attention that Congress and the media have begun to misuse an acronym which has caused great confusion in this Nation. For example, a recent international news bulletin asks how does Congress plan to keep F.S.U. science running. A $100,000 Department of Defense proposal would reemploy an estimated 200 F.S.U. weapons jocks in nuclear powerplants to supervise retooling hazardous reactors. As you may have noticed, the acronym F.S.U. has been misused to refer to the "former Soviet Union." This could most certainly cause confusion among many in this Nation who know those initials mean "Florida State University." I am sure you can understand how the fine reputation Florida State University enjoys could be distorted by published news articles such as the one mentioned above.

I believe a more appropriate alternate designation for the U.S.S.R. would be the "Commonwealth of Independent States" [C.I.S.]. Therefore, I urge my fellow colleagues to use this or a different acronym when referring to the group of nations which was once the Soviet Union.

U.S. OLYMPIC GOLD MEDAL WINNERS

(Mr. DREIER 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. DREIER of California. Mr. Speaker, as the Presidential campaign heats up here in the well of the House, I feel almost guilty standing up and talking about something other than that campaign. I rise to talk about the XXV Olympiad that took place in Barcelona.

I have not yet heard any 1-minutes about that, and I would like to take this time to extend hearty congratulations to all the Americans who participated and specifically congratulations to those who come from in and around the southern California area which I am privileged to represent.

First of all, we all remember Oscar de la Hoya, who is from Los Angeles. I think he probably comes from MARTY MARTINEZ' district or EDDIE ROYBAL's district. he won a gold medal for boxing.

Joel Thomas, from Pasadena, won a gold medal for swimming;

Steve Lewis, from Los Angeles, won a gold medal in track and field;

Mike Powell, from Alta Loma, won a silver medal in track and field;

Dave Johnson, from Pomona, won a bronze medal for track and field;

Janeene Vickers, from Pomona, won a bronze medal for track and field; and

Hal Haenel, from Los Angeles, won a gold medal for yachting.

Mr. Speaker, I enter into the RECORD here the names of the other southern Californians from our area who represented the United States so courageously at the Olympics:

Rhett Hardy, Whittier, soccer.

John Vargas, Hacienda Heights, water polo.

Nomar Garciaparra, Whittier, baseball.

Jason Giambi, W. Covina, baseball.

Willie Adams, La Mirada, baseball.

Mike Barnett, Glendora, track and field (7th in Javelin).

Evelyn Ashford, Walnut, track and field (5th in 100M semi-final).

Donna Mayhew, Glendale, track and field (12th in Javelin).

DEMOCRATIC REFORM IN KUWAIT

(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, Desert Storm represented an unprecedented effort by the United States to liberate a tiny, feudal monarchy from foreign aggression. Well, nearly a year and a half later, things look much the same: Saddam Hussein is still in power, and the al-Sabah monarchy continues to stifle democracy and individual rights in Kuwait.

In fact, immediately after we helped to rebuild his royal palace, the Emir of Kuwait declared martial law in his country and ordered hundreds of civilian arrests. Unfortunately, this cruel overreaction was consistent with the Kuwaiti monarchy's long tradition of indifference toward democracy, human rights, and Western interests. Indeed during the height of the cold war, Kuwait voted against the United States at the United Nations more often than did the hardline Soviet leadership.

They also refused to support the U.S. efforts to reverse the infamous Zionism-equals-racism resolution in the United Nations.

The ruling family maintains a closed dictatorial government. And the Bush administration has failed to press them for significant democratic reforms. We rushed to Kuwait's defense in the name of liberty and freedom, and yet we left the gulf without claiming even a small token for democracy and human rights.

On August 2, the second anniversary of Iraq's invasion of Kuwait, the Iraqi news agency vowed that Kuwait "shall return to the right people." Mr. Speaker, if we must again defend this tiny monarchy from Iraqi aggression, let's use our influence to encourage democratic reform after the shooting stops. And let us encourage them, and other oil-rich gulf coast countries, to establish a regional development fund of perhaps $50 to $100 billion to help their poor Arab neighbors—Egypt, for example—enjoy a higher standard of living. American foreign policy should give more than lip service to the promotion of democratic ideals.

□ 1330

McGOVERN'S WISDOM

(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, I would like to read some excerpts from a recent Wall Street Journal article and then I would like for my Democrat colleagues to try and guess its author. I think they will be quite shocked by the answer.

QUOTE 1

We know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often however, public policy does not consider whether you are choking off those opportunities.

QUOTE 2

One-size-fits-all rules for business ignore the reality of the marketplace. And setting thresholds for regulating guidelines at artificial levels, 50 employees or more, $500,000 in sales, etc. takes no account of other realities, such as profit margins, and local market economics.

QUOTE 3

The challenges we faced drove operating costs and finance charges beyond what a small business can handle. Our Connecticut hotel went bankrupt, etc. * * *

Probably some free-market economist or well-heeled businessman—Right? Wrong. I have some news for my Democrat colleagues. These are the words of your very own George McGovern. Yes. The George McGovern, the ultra-liberal Democrat Presidential candidate of 1972. It seems that Mr. McGovern left Government to dabble in capitalism. He bought a hotel. And he was quickly bankrupted by the Government regulation, redtape, and high taxes. And now his employees are all out of work as well. The failed policies that his very own Democratic Party stands for—big Government, more regulation, more burdens on employers—are what destroyed Mr. McGovern's hotel and cost the jobs of his employees. Ironic, isn't it?

Mr. Speaker, this would all be very amusing if only Mr. McGovern were the one hurt by all this, but as McGovern himself is quick to point out: when government chokes off the opportunities for entrepreneurs, it is their employees that suffer in the end.

CONGRESS AND PRESIDENT SHOULD WORK TOGETHER

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

Mr. HUBBARD. Mr. Speaker, few people can remember a time when relations between the White House and the Congress have been as bad as they are at the present time.

Last week, the Washington Post, in a five-part series, emphasized that the Federal Government is in gridlock.

Last Monday's headline in the Washington Post: "In a System Divided, Partisan Politics Has Stranglehold on Progress."

The Post says our legislative scorecards reads gridlock:

First, as to the soaring Federal deficit;

Second, violent crime;

Third, campaign finance reform, and

Fourth, revitalizing our Nation's schools.

Then last Sunday, the New York Times' front page headline—"President Bush and Congress: Rising Feud Produced a Legislative Deadlock."

A quote from the Times article:

Rarely in modern American history, say scholars and politicians in both parties, has the relationship between the President and Congress been as sour and the legislative record as meager.

President Bush blames the Congress.

Many in Congress blame the President.

President Bush and the Congress are sliding downward in the polls.

I once again urge that we in Congress and the White House work together during the remaining few weeks of this 102d Congress to pass meaningful legislation for the American people helpful to them now and in the future.

CLINTON'S TAX OF THE DAY: TAXES ON FOREIGN INVESTMENT

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

Mr. BALLENGER. Mr. Speaker, I rise to share with my colleagues how absolutely flabbergasted I am after sifting through the doubletalk and fantasyland language of Bill Clinton's economic plan. Have you seen it? It is simply incredible. As someone who knows a thing or two about taxes and budgets, I shudder for my country when I think that Mr. Clinton may get his chance to try this plan out on the American economy next year. Here is one of the things that really shocked me about the plan: As if he was not satisfied with

raising taxes on businesses and others innumerable times as Governor, Mr. Clinton, as President, wants to squeeze $13.5 billion in taxes out of U.S. businesses operating abroad and on foreign companies investing here in the United States. Have we not lost enough jobs Mr. Clinton?

Doesn't anyone advising Mr. Clinton tell him what this kind of tax on businesses will do to the economy? My suggestion is for Mr. Clinton to hire Steve Entin, an economist at the Institute for Research on the Economics of Taxation. Here is what Mr. Entin has to say:

> Additional taxes on foreign investment by American firms will not cause them to shift the investment back to the U.S.; it will merely reduce foreign investment. U.S. firms will become less competitive * * * they will order fewer U.S. made parts * * * and U.S. savings, investment, employment and income will be lower.

Do us all a favor, Mr. Clinton. Hire better advisers before you raise our taxes.

BOSNIANS SHOULD BE GIVEN ARMS TO DEFEND THEMSELVES

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

Mr. McCLOSKEY. Mr. Speaker, the Bush administration at last has started to act on the ongoing tragedy in the Balkans. It is good that the President, with the United Nations, is pledging military force to ensure delivery of relief supplies to a starving Bosnia. Shocked and appalled people everywhere endorse the belated demand for access to and disbandment of the camps. However, this benignly intended but minimalist policy is quite incomplete. A better nourished Bosnian people will still likely be slaughtered by massively superior Serbian forces.

It will take more than we have done so far to deal with slaughter of civilians, closed railway cars, ethnic cleansing, genocide, and territorial aggression.

Without some credible threat of additional military force, Milosevic wins: Bosnia is essentially gone; Macedonia and Kosovo await his tender mercies.

The present arms embargo affecting Bosnia disarms them. If nothing else, we should let them defend themselves.

ATTORNEY GENERAL SAYS NO TO LYNCH MOB

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

Mr. ROTH. Mr. Speaker, I do not like to be partisan, and I do not think I will be. But I say thank God that we have an Attorney General in America with intellectual integrity. Our Attorney General is not intimidated by a pack of Bill Clinton's hunting dogs here in the House.

After seven different committees controlled by the Democrats peeped into every window and sniffed under every bed, they came up empty. They found nothing, nothing. Not an iota of illegality.

These shameless Democrats, the same Democrats who have controlled this House for 38 consecutive years since 1954, now these Democrats say they demand the Attorney General appoint an independent counsel, costing our taxpayers millions. These Democrats have already spent millions on this so-called investigation, which in truth, in reality, is nothing more than a witch hunt. They have come up empty. Now they demand that others get involved in this political charade.

Mr. Speaker, thank God we still have men of courage and men of honor left in America. Your Attorney General, Mr. and Mrs. America, had the courage to say no to a lynch mob.

FAMILY VALUES IN AMERICA

(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, family values, family values, it is being repeated almost as a mantra or some magic incantation which, if repeated often enough and long enough, will actually become reality. But we all know that it takes hard work and action to secure better family values.

One such action that this House can take is passage of S. 5, if necessary over a Presidential veto. S. 5 is the Family and Medical Leave Act which would provide up to 12 weeks of unpaid leave to longstanding employees, steady employees, who because of adoption or birth of a child, personal illness, or illness in their immediate family, need some time off.

In 1990 the President vetoed the Family and Medical Leave Act. That veto did not promote family values. The President's signature of S. 5 this year would indeed promote family values.

On the contrary, a veto of that bill would disparage family values and not promote them. I hope the President signs it. If he does not, we need to pass it over his veto.

BALANCED BUDGET AMENDMENT

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

Mr. WYLIE. Mr. Speaker, Congressman ALLARD called me on Friday to say he had campaigned for a line-item veto in the last election and wanted to raise the awareness level of this issue. He noticed I was the first in this Congress to file a resolution calling for a constitutional amendment to give the President line-item-veto authority. Was I willing to help raise the awareness level of the issue? I said you betcha. I said we'll never get a vote on the issue unless we discharge the committee and the chances are not very good even then. I'll file a discharge petition if you will be the No. 1 signer. I have filed a discharge petition and Congressman ALLARD was the No. 1 signer.

Both of us supported a constitutional amendment to balance the budget. It failed by nine votes with all Republicans voting for it. We realize the numbers are not very good—267 Democrats to 166 Republicans. But if you think you are right you keep trying. And we know we are right.

□ 1340

A POLICY OF GRAPHIC MISTAKES

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, we are getting good news from the President. August, Kennebunkport, here is what the President says:

> The administration and most private forecasters believe that the recession has ended. Although the unemployment rate may continue to react with a lag, it should decline further with the economic growth that is forecast for the rest of this year.

The bad news is that he said this last year. This was from August 1991. The decline in unemployment he talked about went from 6.8 down to 7.7. That is what we sometimes call a reverse decline, otherwise known as an increase. In fact, we have the anniversary coming up of George Bush a year ago standing in Kennebunkport and killing an unemployment compensation extension because he said we did not need it.

He later said people should be grateful to him because they finally got it by Thanksgiving. He was right. If it had not been for him, the unemployed would have gotten it by Labor Day.

This is our glaring example I can think of, but not the only one, of the sadly mistaken economic policies of this administration. A year ago they began this policy of graphic mistakes.

SUPPORT FOR THE LINE-ITEM VETO

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

Mr. ALLARD. Mr. Speaker, today, Congressman WYLIE and I are announcing that we are spearheading an effort to discharge House Joint Resolution 4, legislation that will provide the Presi-

dent of the United States with the line-item veto, from committee and bring it to the floor for consideration by the Congress.

The time has come for Congress to act on giving the President of the United States a line-item veto. For 13 terms Congressman WYLIE has introduced legislation calling for a line-item veto—that's 26 years, six Presidential administrations, and not once has it ever been brought to the floor for consideration.

With both President Bush and Governor Clinton endorsing the line-item veto, the partisan politics has been eliminated on this issue. Currently, 43 Governors across the Untied States have the right to exercise the line-item veto, and guess what?

All 43 of those States have balanced budgets, including Colorado. Why? Because the Governors of each of these States use the line-item veto to eliminate wasteful spending.

We must pass a line-item veto this session because at this point no one can predict with certainty who our next President will be.

The time has come for Congress to address this issue head-on, instead of continuing to feed voters' perception that this institution is unwilling to tackle our budget deficit.

After January it will be too late. One party will control the White House and the other may hesitate to work for passage of line-item veto.

This is not an issue of Republicans versus Democrats.

Instead, it's a matter of someone having the responsibility to eliminate the wasteful expenditures from our budget. Passage of a line-item veto is certain to send a clear message to all Americans that Congress is listening to their call for bringing our Nation's budget under control.

Last week I, along with many of my colleagues, sent a letter to Speaker FOLEY and minority leader MICHEL, asking for their leadership in bringing any one of the many line-item veto bills to the floor for consideration. This is one of the bills that we would like considered.

My colleague, as many of you know, is retiring at the end of the session. It the case that his attempts to discharge House Joint Resolution 4 is not successful or if the bill is defeated on the floor, I pledge that it will be the first legislation that I introduce next session in Congress, no matter who is the President.

LOAN GUARANTEES FOR AMERICAN CITIES

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

Ms. WATERS. Mr. Speaker, there is a conclusion in this country that our cities and our towns are in trouble. On May 29, my city, the city of Los Angeles, burned.

Some would disagree with what happened, but that does not matter. The fact of the matter is, our cities are in trouble.

We passed legislation, the Freedom Support Act, on this floor last Thursday that would fund Russia, IMF loans, loan guarantee programs, food for progress, Desert Storm surplus, transportation assistance, and strategic weapon dismantlement.

We are about to embark on loan guarantees for Israel.

We have not been able to respond to the crisis in America.

I have a piece of legislation for loan guarantees for our cities. We cannot get the kind of support that is needed in order to guarantee that our cities have funds that they can lend to small entrepreneurs and do low-income housing.

I am going to continue to challenge this House and to challenge the President. We need resources for our cities. We need a response to the crisis in America. We need support for loan guarantees for our cities right here in this country.

DC STATEHOOD

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

Ms. NORTON. Mr. Speaker, poised for the Republican Convention, the country is waiting for the vision thing. And what do we get? District bashing.

The attack on the Nation's Capital in the Republican platform is the cheapest shot of this campaign. But Americans know a foul when they see one, and they are not buying cheap shots this year.

The pejorative platform rhetoric is a feeble preemptive strike by Republicans who see statehood coming. They cannot stand the prospect of what they believe would be two more Democrats in a Senate that they already have little chance of controlling.

The Republicans see a Democrat on a bus to the White House and they know that his strong support for D.C. statehood is riding on that bus.

Crassly politicizing the issue of the basic right to self-government will not sell in a democracy. Democratic party control of the democratically elected D.C. government has done the country no harm. It is one-party rule by Republicans for 12 years that has driven the country into the ground.

That is why so many Americans have jumped on Bill Clinton's bus. District bashing will not slow it down.

A TRIPLE-DIP RECESSION

(Mrs. LOWEY of New York, asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, every time our ailing economy shows signs of life, the President and his team of spin doctors announce that the recovery is at hand.

And every time they do so, things take a turn for the worse.

In June, the coincident economic indicators showed the economy slipping into contraction once again.

That is the third time since 1990 that the economy turned downward.

The spin doctors have been busy at work portraying the President as an agent of fundamental change. And with respect to economic growth, they are right: We have experienced a great deal of change.

Unemployment is up.

Earnings are down.

Home sales are flat.

Consumer confidence is flagging.

And we are experiencing something totally new in modern economic times: A triple dip recession.

I thought a triple dip was something at Baskin Robbins.

Mr. Speaker, I scream, you scream, we all scream for leadership to get this economy moving again.

Across America, families are desperately hoping that the President will put as much energy into a constructive economic plan as he does into putting a spin on the bad economic news.

A REPUBLICAN-CONTROLLED HOUSE

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

Mr. YOUNG of Alaska. Mr. Speaker, it is amazing. I listened to the last two speakers talk about President Bush. He is but one man. This House has been lead by Democrats for 48 years and longer as a majority. That is what is wrong with this country. That is where the taxes have been raised. That is where the money has been spent. That is where the programs have come that have bankrupt this Nation.

I served under Jimmy Carter, under that great Democrat leader from the South, Senator Bill Clinton, and watched malaise and high inflation, 22-percent interest, unemployment in double digit figures.

It was this House then; it is this House now. This House needs to be controlled by the Republican side for once. Let us quit blaming the President. Let us blame really those who are at fault.

It is this House that is led by the Democrat Party too long, too often, and too corrupt.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The chair will remind our

guests, we are delighted to have them with us, but they are to refrain from responding to statements made on the floor either positively or negatively.

ISRAELI LOAN GUARANTEES

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

Mr. ENGEL. Mr. Speaker, just a few hours ago, President Bush, along with Israeli Prime Minister Rabin, announced an agreement on loan guarantees for Israel. The President said that he would speak with the leadership of Congress today and would urge them to support the loan guarantees.

I urge our leadership to strongly support the loan guarantees and urge both Houses of Congress, the House and the Senate, to quickly pass them.

Israel has been the best ally the United States has had during the past 40 years in the world. Not just in the Middle East, but in the world.

If one looks at the votes in the United Nations during the past 40 years, Israel has voted with the United States more times than any other nation on this Earth: More than England, more than France, more than Japan, Germany, Canada, or any other nation one could name.

Israel is the only democracy in the Middle East. Israel is a strategic ally of the United States.

For years we told the Soviet Union to allow free emigration and now that the Soviet Union is no more and Russia and the Ukraine are allowing free emigration, we have a moral obligation, I think, to support the loan guarantees.

The important thing is this, loan guarantees will cost the U.S. Taxpayers not one penny. It is not foreign aid, it is only guaranteeing a loan. It enables Israel to borrow the money to build housing for refugees at cheaper rates because it is guaranteed by the United States.

Israel has never defaulted on a loan and will not default now. It will cost the taxpayers of America not one penny. Let us pass the loan guarantees.

□ 1350

PASSING THE BLAME TO ELECT A DEMOCRAT PRESIDENT

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

Mr. BURTON of Indiana. Mr. Speaker, to hear the Democrats and the majority accuse the White House of being the cause of the deficit and the economic problems is unbelievable. The fact of the matter is that all spending, all spending, originates right here in this Chamber. All tax increases originate right here in this Chamber.

The only thing the Chief Executive of this country can do is veto what we in the legislative branch do. He cannot spend a dime without our consent, without us appropriating it. He cannot raise one dime in taxes without us appropriating it. All he can do is veto it, and then this body and the other body can override his veto.

The fact of the matter is that the entitlements 20 years ago were $90 billion. They are $800 billion now, a nine-times increase because of this body, because this body has not capped the entitlements as we should have, put a lid on it.

All of the appropriations bills this year, each and every one of them, are much higher than last year. The President did not do that, we did it right here in this body, so do not cast the blame at 1600 Pennsylvania Avenue.

They know where the responsibility lies and what they are trying to do is pass the blame so they can elect a Democrat President. I hope the American people do not buy it.

AMERICA CAN PAY ITS OWN BILLS AND RECLAIM RESPONSIBILITY

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

Ms. KAPTUR. Mr. Speaker, I rise today to introduce legislation to limit the influence of foreign governments on our Library of Congress. Unbeknownst to most Members of Congress, the Library of Congress has solicited and accepted a gift of $1,500,000 from the Center for Global Partnership, which is funded by the Government of Japan through its own Parliament. This is not the first sizable grant the Library has accepted recently from a foreign government. In 1991, the Library of Congress went hat in hand and began a new policy by accepting $1 million by the Government of Korea. I strongly object to our Library accepting the money that comes directly from a foreign government or any instrumentality of that foreign government, nor do I agree with the recent policy of the Library to depend for a growing number of its activities on sources of foreign funding. It is time for America to pay its own bills and reclaim responsibility for ourselves.

NO STATEHOOD FOR D.C.

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

Mr. COX of California. Mr. Speaker, a moment ago one of my colleagues expressed concern that the Republican platform opposes statehood for the District of Columbia. It was called District bashing. That speaker suggested that Republicans were concerned that there would be two Senators, two Democratic Senators from the city of the District of Columbia.

In fact, I am proud of the Republican platform in this regard. It would be absolutely absurd to have two Senators from one city. In my county, there are 2½ million people. They do not have their own 2 Senators, let alone the 10 that the principle of one person-one vote would accord them if District of Columbia were to get 2. My State has 30 million people, but we have only 2 Senators. Were District of Columbia to get statehood, arguably we ought to have 60 Senators.

We are long past the principle that gave rise to the great compromise requiring a bicameral legislature in order for States to give up their sovereignty and sign a Federal compact. That great compromise necessarily did violence to the principle of one person-one vote. Taxpayers across America will pay far more of their share of local expenses than the District of Columbia. Let us not add to that injury, further injury to the principle of one person-one vote.

The Republican platform is right. No statehood for District of Columbia.

A DISTORTION OF BILL CLINTON'S ECONOMIC PROPOSAL

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

Mr. LEVIN of Michigan. Mr. Speaker, some people think there is a rule in politics: If they have no plan, attack the other party's plan; if they have no plan and are running way behind, not only attack it but distort it. That is what the Republicans did yesterday about Bill Clinton's economic proposal.

They talk about a health care proposal of Bill Clinton's losing over 700,000 jobs. Then they acknowledge this morning they are not talking about the Clinton plan, but a program that is in the House. They talk about environmental regulations in the Clinton plan losing a certain number of jobs, but it turns out there is no such regulation proposed on the Clinton plan at all.

With minimum wage, the same story, it will lose a certain number of jobs, despite evidence that the last increase in minimum wages cost no jobs, perhaps increased them. Then the training tax they say will lose a certain number of jobs, even though many, many corporations, most of the larger ones, are already paying or spending the percentage and a half.

Finally, when it comes to taxes, claiming that Bill Clinton is suggesting a raise in taxes, despite the fact that since 1981, under this administration and the previous one, Federal taxes have been raised 327 times.

COMING HOME, BUT NOT AS A HERO

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute.)

Mr. WASHINGTON. Mr. Speaker, I would like to welcome my Republican colleagues to Houston, TX, hometown of President George Bush, home of 19-percent unemployment, home of 331,000 working people who have no health care, home of 260,000 high school dropouts since 1980, home of crumbling infrastructure, home of environmental disaster, home of the third highest crime rate per capita in the United States of America, home of higher infant mortality than most Third World countries.

Mr. Speaker, in case the President does not remember, Houston is east of San Antonio, south of Dallas, west of Beaumont, and north of the Gulf of Mexico.

Mr. Speaker, I hope the President will come home to Houston and prove that old adage that "one is never a hero in one's own home town."

LOAN GUARANTEES TO ISRAEL

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

Mr. SCHUMER. Mr. Speaker, President Bush's announcement today that he has reached basic agreement on $10 billion of Israeli loan guarantees is welcome, if long overdue, news. Yes, indeed, these loan guarantees are desperately needed to help create a humanitarian movement of people fleeing the Soviet Union, the former Soviet Union, and moving for once into freedom. Yet, it will not cost the United States a penny, because they are loan guarantees, and the amount of money that is scored against them will be taken care of.

Mr. Speaker, I can assure the President that Congress will pass these loan guarantees with alacrity. We have circulated a letter. Over 240 Members of Congress have said that they would support those loan guarantees, and I suspect the margin will be greater.

One final mention. The President has spent a long time jawboning the State of Israel on the settlements. It is now time to start jawboning the Arab States on the boycott, the Arab boycott which isolates Israel, prevents American firms from selling goods in those markets, and should be ended. If Kuwait and Saudi Arabia are such good friends, they can prove it by ending the boycott and the President ought to join in helping that to happen.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4168

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4168.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may be permitted to include tables, charts, and other extraneous material on the bill (H.R. 5487) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. MCHUGH. Mr. Speaker, pursuant to the order of the House of Thursday, August 6, 1992, I call up the conference report on the bill (H.R. 5487) making appropriations for Agriculture, rural development, food and drug administration, and related agencies programs for the fiscal year ending September 30, 1993, and for other purposes, and ask for its immediate consideration.)

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, August 6, 1992, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of Friday, August 7, 1992, at page H-7727.

The SPEAKER pro tempore. The gentleman from New York [Mr. MCHUGH] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, first I yield such time as he may consume to the distinguished chairman of this subcommittee and the full committee, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, we bring before you today the conference agreement on appropriations for the Department of Agriculture, the Food and Drug Administration, and related agencies programs for fiscal year 1993. The bill we bring you today provides the necessary funding for this most important of industries.

As I have pointed out so many times in the past, American agriculture is the envy of the world and is often described as the Eighth Wonder of the World. It is our largest industry—larger than the auto, steel, and housing industries combined. It is our largest employer, the largest market for the products of industry and labor, and our biggest dollar earner in world trade.

Agriculture is basic to the American economy and the American way of life. It is the foundation upon which all other segments of the economy depend. It is the key component of the U.S. economy. Its assets of about $1 trillion are equal to about one-half of all manufacturing corporations in the United States. It employs more workers than any other major industry. The Department of Agriculture estimates that nearly 21 million people work in some phase of agriculture from the farm to the consumer.

The total appropriation is within the 602(b) allocation, in terms of both budget authority and outlays. There were 124 amendments involving approximately 400 items that had to be resolved by the conferees.

Mr. Speaker, the conference agreement totals $60,547,821,000 in budget authority. Only 20 percent of the bill is discretionary domestic spending. Almost 80 percent of the bill is mandatory spending not under the control of the Committee on Appropriations. In these cases, such as food stamps, the eligibility requirements are spelled out in law and anyone meeting those criteria is entitled to receive the benefits. To adjust the criteria requires a change in the authorization, which is beyond the authority of the Committee on Appropriations.

Mr. Speaker, over 68 percent of the bill is in food and consumer programs: $38.4 billion for food programs; $1.6 billion for Food for Peace; $780 million for the Food and Drug Administration; and $490 million for food inspection.

The biggest dollar differences in the conference agreement are in the food programs and reflect the Office of Management and Budget's mid-session review. The mid-session review was transmitted to Congress on July 24, 1992, and printed as House Document 102-365. Since these programs are entitlement programs, the conferees adjusted them to reflect the latest estimates submitted by the Office of Management and Budget. As a result, the child nutrition programs are $152,000,000 higher than the House bill and the Food Stamp Program is $1,396,000,000 higher than the House bill. The conferees adjusted these two programs upward to reflect the mid-session review submitted by the Office of Management and Budget in order to avoid the need for a supplemental later in the year.

The conference agreement funds the WIC Program at $2,860,000,000, an in-

crease of $260,000,000 above the amount available for fiscal year 1992.

Mr. Speaker, the conference agreement provides funds for water and sewer, rural housing, REA, and for the conservation programs, including ACP and watershed and flood prevention. The conference agreement also funds all of the research programs of the Department, food inspection, and all the other programs which are so important to our food supply.

For the Market Promotion Program the conferees agreed on $147,734,000. The conferees agreed that the operation of the program needs to be brought into better focus by the Department. We also call on the Department to complete the evaluation of the Market Promotion Program as directed in the Senate report by February 1, 1993.

Mr. Speaker, the conference agreement does not fund the Wetlands Reserve Program. The conferees agreed that it would be premature to fund this program in fiscal year 1993 because the pilot program funded for fiscal year 1992 is not completed and the results of the pilot will not be available until well into fiscal year 1993. Therefore, the conferees have not funded the program and will reconsider the program in connection with a supplemental or the fiscal year 1994 appropriations bill after the pilot program is completed and the benefits and costs of the program can be taken into account.

For watershed and flood prevention operations the conference agreement provides $228,266,000, an increase of $23,000,000 over the amount available for fiscal year 1992. The increase over fiscal year 1992 is not earmarked by the conference agreement.

Additional funds are included in the Food for Peace Program for title II, the Food Donations Program. These funds will be available to assist in the famine in sub-Saharan Africa, as well as other disaster or emergency situations throughout the world.

The conference agreement funds the Washington office and the seven regional offices of the Rural Development Administration. We have funded no other offices at this time. We have provided, however, that the field staff remain as employees of the Farmers Home Administration and continue to operate under the memorandum of agreement as they are now doing.

This year the subcommittee received over 600 written requests from Members and 26 Members testified before our subcommittee. We held 5 weeks of hearings in which a total of 235 witnesses appeared. Our hearing record totals 6,116 pages. The House bill and the conference agreement reflect, to the best of our ability, the concerns of the Members who contracted our subcommittee and the information developed during those 5 weeks of hearings.

Mr. Speaker, there are many who deserve credit on this bill. I want all Members to know that the members of his subcommittee and many others in the Congress deserve their fair share of credit. They have done a great job, and yet they have done it with a minimum of expenditures.

Mr. Speaker, I want to thank my colleagues on the subcommittee who have worked hard all year in hearings and in conference—BOB TRAXLER, our ranking member; MATT MCHUGH, who has been of such great help this year; BILL NATCHER, a long-time subcommittee member and vice chairman of the Appropriations Committee and chairman of the Labor-Health and Human Services Subcommittee; DICK DURBIN; MARCY KAPTUR; DAVID PRICE; BOB MRAZEK; NEAL SMITH; JOE SKEEN, our ranking member; JOHN MYERS, another long-time subcommittee member; as well as VIN WEBER; BARBARA VUCANOVICH; and our ranking minority member on the full committee, JOE MCDADE.

I especially want to thank BOB TRAXLER, MATT MCHUGH, BOB MRAZEK, and VIN WEBER, who will be leaving the Congress at the end of this session. They have worked long and hard for American agriculture during their years on this subcommittee and they deserve the thanks of the American people for their efforts.

Mr. Speaker, this is a good agreement and it deserves the support of the Members. I trust we shall have that.

At this point in the RECORD I will insert the detailed bill tables on the conference agreement:

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487)

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,282,000	2,747,000	2,282,000	2,282,000	2,282,000	.....
Office of the Deputy Secretary	543,000	575,000	543,000	543,000	543,000	.....
Office of Budget and Program Analysis	6,149,000	5,756,000	5,756,000	5,756,000	5,756,000	-393,000
Office of the Assistant Secretary for Administration	596,000	693,000	596,000	596,000	596,000	.....
Rental payments (USDA)	51,203,000	50,503,000	50,503,000	50,503,000	50,503,000	-700,000
Building operations and maintenance	25,700,000	26,482,000	25,700,000	25,700,000	25,700,000	.....
Advisory committees (USDA)	2,038,000	1,905,000	952,000	952,000	952,000	-1,086,000
Hazardous waste management	26,350,000	27,966,000	16,000,000	16,000,000	16,000,000	-10,350,000
Departmental administration	25,064,000	28,591,000	25,014,000	25,014,000	25,014,000	-50,000
Office of the Assistant Secretary for Congressional Relations	1,307,000	1,446,000	1,307,000	1,307,000	1,307,000	.....
Office of Public Affairs	8,925,000	9,236,000	8,925,000	8,925,000	8,925,000	.....
Intergovernmental affairs	468,000	484,000	468,000	468,000	468,000	.....
Total, Office of Public Affairs	9,393,000	9,720,000	9,393,000	9,393,000	9,393,000	.....
Office of the Inspector General	62,786,000	67,238,000	62,786,000	62,786,000	62,786,000	.....
Office of the General Counsel	24,554,000	26,314,000	24,554,000	24,554,000	24,554,000	.....
Office of the Assistant Secretary for Economics	580,000	608,000	580,000	580,000	580,000	.....
Economic Research Service	58,720,000	60,372,000	58,720,000	58,720,000	58,720,000	.....
National Agricultural Statistics Service	82,601,000	87,087,000	80,941,000	81,066,000	81,004,000	-1,597,000
World Agricultural Outlook Board	2,367,000	2,516,000	2,367,000	2,367,000	2,367,000	.....
Office of the Assistant Secretary for Science and Education	560,000	595,000	560,000	560,000	560,000	.....
Alternative Agricultural Research and Commercialization	4,500,000	10,000,000	4,500,000	10,000,000	7,250,000	+2,750,000
Agricultural Research Service	658,379,000	684,178,000	658,379,000	658,379,000	658,379,000	.....
Special fund	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	.....
Buildings and facilities	50,564,000	27,300,000	34,514,000	23,210,000	34,514,000	-16,050,000
Total, Agricultural Research Service	711,443,000	713,978,000	695,393,000	684,089,000	695,393,000	-16,050,000
Cooperative State Research Service	430,711,000	416,023,000	412,395,000	416,926,000	430,143,000	-568,000
Buildings and facilities	75,270,000	.....	33,611,000	52,101,000	52,101,000	-23,169,000
Extension Service	419,325,000	417,320,000	417,928,000	422,944,000	424,928,000	+5,603,000
National Agricultural Library	17,715,000	18,025,000	17,253,000	17,715,000	17,715,000	.....
Office of the Assistant Secretary for Marketing and Inspection Services	550,000	590,000	550,000	550,000	550,000	.....
Animal and Plant Health Inspection Service:						
Salaries and expenses	345,577,000	332,682,000	347,577,000	349,538,000	349,538,000	+3,961,000
Special fund, user fees	85,362,000	86,147,000	83,362,000	83,362,000	83,362,000	-2,000,000
Buildings and facilities	21,396,000	10,400,000	10,400,000	10,400,000	10,400,000	-10,996,000
Total, Animal & Plant Health Inspection Service	452,335,000	429,229,000	441,339,000	443,300,000	443,300,000	-9,035,000
Food Safety and Inspection Service	473,512,000	450,967,000	489,867,000	489,867,000	489,867,000	+16,355,000
Federal Grain Inspection Service	11,397,000	4,694,000	11,397,000	11,397,000	11,397,000	.....
Standardization activities (proposed user fees)	.....	(6,888,000)	.....	.....	.....	.....
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(40,176,000)	(42,784,000)	(42,784,000)	(42,784,000)	(42,784,000)	(+2,608,000)
Agricultural Cooperative Service	5,640,000	4,852,000	5,640,000	5,640,000	5,640,000	.....
Technical assistance to cooperatives (proposed user fees)	.....	(450,000)	.....	.....	.....	.....
Agricultural Marketing Service:						
Marketing Services	56,636,000	53,400,000	56,520,000	45,401,000	56,221,000	-415,000
Standardization activities (proposed user fees)	.....	(4,427,000)	.....	.....	.....	.....
(Limitation on adminstrative expenses, from fees collected)	(50,735,000)	(52,861,000)	(52,861,000)	(55,953,000)	(55,953,000)	(+5,218,000)
Funds for strengthening markets, income, and supply (transfer from section 32)	10,360,000	10,309,000	10,309,000	10,309,000	10,309,000	-51,000
Payments to States and possessions	1,250,000	1,019,000	1,250,000	1,250,000	1,250,000	.....
Miscellaneous trust funds	1,850,000	.....	.....	.....	.....	-1,850,000
Total, Agricultural Marketing Service	70,096,000	64,728,000	68,079,000	56,960,000	67,780,000	-2,316,000
Packers and Stockyards Administration	12,009,000	12,223,000	11,996,000	11,996,000	11,996,000	-13,000
Total, Production, Processing, and Marketing	3,067,296,000	2,943,743,000	2,978,502,000	2,992,164,000	3,026,677,000	-40,619,000
Farm Income Stabilization						
Office of the Under Secretary for International Affairs and Commodity Programs	551,000	652,000	551,000	551,000	551,000	.....

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Agricultural Stabilization and Conservation Service:						
Salaries and expenses	719,289,000	712,894,000	714,134,000	700,826,000	712,926,000	-6,363,000
Export loans (by transfer)	(589,000)	(621,000)	(589,000)	(589,000)	(589,000)	.....
P.L. 480 (by transfer)	(573,000)	(1,036,000)	(573,000)	(1,036,000)	(1,036,000)	(+463,000)
Subtotal, Salaries and expenses	(720,451,000)	(714,551,000)	(715,296,000)	(702,451,000)	(714,551,000)	(-5,900,000)
Dairy indemnity program	5,000	.....	5,000	5,000	5,000	.....
Total, Farm Income Stabilization	(721,007,000)	(715,203,000)	(715,852,000)	(703,007,000)	(715,107,000)	(-5,900,000)
CORPORATIONS						
Federal Crop Insurance Corporation:						
Administrative and operating expenses	322,870,000	335,377,000	303,896,000	309,948,000	309,948,000	-12,922,000
Federal crop insurance corporation fund	260,500,000	285,794,000	285,794,000	285,794,000	285,794,000	+25,294,000
Total, Federal Crop Insurance Corporation	583,370,000	621,171,000	589,690,000	595,742,000	595,742,000	+12,372,000
Commodity Credit Corporation:						
Reimbursement for net realized losses	7,250,000,000	9,200,000,000	9,200,000,000	9,200,000,000	9,200,000,000	+1,950,000,000
Hazardous waste (limitation on administrative expenses)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	.....
General Sales Manager (transfer from Commodity Credit Corporation)	(5,098,000)	(4,053,000)	(4,668,000)	(4,668,000)	(4,668,000)	(-430,000)
Export loans (by transfer)	(2,731,000)	(3,262,000)	(2,731,000)	(2,731,000)	(2,731,000)	.....
P.L. 480 (by transfer)	(1,242,000)	(1,467,000)	(1,242,000)	(1,467,000)	(1,467,000)	(+225,000)
Subtotal, General Sales Manager	(9,071,000)	(8,782,000)	(8,641,000)	(8,866,000)	(8,866,000)	(-205,000)
Total, Corporations:						
New budget (obligational) authority	7,833,370,000	9,821,171,000	9,789,690,000	9,795,742,000	9,795,742,000	+1,962,372,000
(By transfer)	(9,071,000)	(8,782,000)	(8,641,000)	(8,866,000)	(8,866,000)	(-205,000)
Total, title I, Agricultural Programs:						
New budget (obligational) authority	11,620,511,000	13,478,460,000	13,482,882,000	13,489,288,000	13,535,901,000	+1,915,390,000
(By transfer)	(10,233,000)	(10,439,000)	(9,803,000)	(10,491,000)	(10,491,000)	(+258,000)
(Limitation on administrative expenses)	(93,911,000)	(98,645,000)	(98,645,000)	(101,737,000)	(101,737,000)	(+7,826,000)
TITLE II - CONSERVATION PROGRAMS						
Office of the Assistant Secretary for Natural Resources and Environment	563,000	598,000	563,000	563,000	563,000	.....
Soil Conservation Service:						
Conservation operations	564,129,000	572,492,000	576,539,000	576,539,000	576,539,000	+12,410,000
River basin surveys and investigations	13,251,000	10,082,000	13,251,000	13,251,000	13,251,000	.....
Watershed planning	9,545,000	6,391,000	9,545,000	9,545,000	9,545,000	.....
Watershed and flood prevention operations	205,266,000	152,961,000	205,266,000	238,266,000	228,266,000	+23,000,000
Resource conservation and development	32,516,000	23,631,000	32,516,000	32,516,000	32,516,000	.....
Great Plains conservation program	25,271,000	25,271,000	25,271,000	25,271,000	25,271,000	.....
Total, Soil Conservation Service	849,978,000	790,828,000	862,388,000	895,388,000	885,388,000	+35,410,000
Agricultural Stabilization and Conservation Service:						
Agricultural conservation program	194,435,000	125,000,000	194,435,000	188,785,000	194,435,000	.....
Water quality incentives program	(6,750,000)	(10,000,000)	(6,750,000)	(15,000,000)	(15,000,000)	(+8,250,000)
Forestry incentives program	12,446,000	12,446,000	12,446,000	12,446,000	12,446,000	.....
Water bank program	18,620,000	11,395,000	18,620,000	18,620,000	18,620,000	.....
Emergency conservation program	6,000,000	.....	3,000,000	3,000,000	3,000,000	-3,000,000
Colorado River Basin salinity control program	14,783,000	14,783,000	14,783,000	12,783,000	13,783,000	-1,000,000
Conservation reserve program	1,611,277,000	1,606,540,000	1,578,517,000	1,578,517,000	1,578,517,000	-32,760,000
Wetlands reserve program	46,357,000	160,893,000	.....	54,900,000	.....	-46,357,000
Total, Agricultural Stabilization and Conservation Service	1,903,918,000	1,931,057,000	1,821,801,000	1,869,051,000	1,820,801,000	-83,117,000
Total, title II, Conservation Programs, new budget (obligational) authority	2,754,459,000	2,722,483,000	2,684,752,000	2,765,002,000	2,706,752,000	-47,707,000
TITLE III - FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Small Community and Rural Development	572,000	650,000	572,000	572,000	572,000	.....
Rural Development Administration:						
Salaries and expenses	.....	14,787,000	14,787,000	14,787,000	14,787,000	+14,787,000
Loan administrative expenses:						
RDIF (by transfer)	.....	(57,294,000)	(21,755,000)	(21,755,000)	(21,755,000)	(+21,755,000)
RDLF (by transfer)	.....	(524,000)	(524,000)	(524,000)	(524,000)	(+524,000)
Total, salaries and expenses	.....	(72,605,000)	(37,066,000)	(37,066,000)	(37,066,000)	(+37,066,000)

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Farmers Home Administration:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Low-income housing (sec. 502)	(1,245,000,000)	(450,000,000)	(1,245,000,000)	(1,245,000,000)	(1,245,000,000)	
Unsubsidized direct	(50,000,000)		(50,000,000)	(50,000,000)	(50,000,000)	
Unsubsidized guaranteed	(329,500,000)	(300,000,000)	(329,500,000)	(200,000,000)	(329,500,000)	
Subsidized guaranteed		(400,000,000)				
Housing repair (sec. 504)	(11,330,000)	(11,100,000)	(11,330,000)	(11,330,000)	(11,330,000)	
Farm labor (sec. 514)	(16,300,000)	(16,250,000)	(16,300,000)	(16,300,000)	(16,300,000)	
Rental housing (sec. 515)	(573,900,000)	(341,000,000)	(500,000,000)	(573,900,000)	(573,900,000)	
Site loans	(600,000)		(600,000)	(600,000)	(600,000)	
Credit sales of acquired property	(250,000,000)	(200,000,000)	(200,000,000)	(187,000,000)	(187,000,000)	(-63,000,000)
Total, Loan authorizations	(2,476,630,000)	(1,718,350,000)	(2,352,730,000)	(2,284,130,000)	(2,413,630,000)	(-63,000,000)
Loan subsidies:						
Single family (sec. 502):						
Direct	283,868,000	109,575,000	303,158,000	303,158,000	303,158,000	+19,290,000
Unsubsidized direct				3,785,000	3,785,000	+3,785,000
Unsubsidized guaranteed	3,723,000	5,550,000	6,096,000	3,700,000	6,096,000	+2,373,000
Subsidized guaranteed		97,280,000				
Housing repair (sec. 504)	4,999,000	4,456,000	4,578,000	4,548,000	4,548,000	-451,000
Farm labor (sec. 514)	9,002,000	8,005,000	8,029,000	8,029,000	8,029,000	-973,000
Rental housing (sec. 515)	248,499,000	243,167,000	356,550,000	305,602,000	305,602,000	+57,103,000
Site loans	9,000					-9,000
Credit sales of acquired property	36,725,000	26,780,000	26,780,000	25,039,000	25,039,000	-11,686,000
Total, Loan subsidies	586,825,000	494,813,000	705,191,000	653,861,000	656,257,000	+69,432,000
RHIF expenses:						
Salaries and expenses	427,111,000	383,214,000	404,846,000	401,202,000	404,746,000	-22,365,000
Administratives expenses		44,530,000	22,265,000	22,265,000	22,265,000	+22,265,000
Total, RHIF expenses	427,111,000	427,744,000	427,111,000	423,467,000	427,011,000	-100,000
Rental assistance program	319,900,000	202,000,000	319,900,000	355,498,000	337,699,000	+17,799,000
Total, Rural Housing Insurance Fund:						
New budget (obligational) authority	1,333,836,000	1,124,557,000	1,452,202,000	1,432,826,000	1,420,967,000	+87,131,000
(Loan authorization)	(2,476,630,000)	(1,718,350,000)	(2,352,730,000)	(2,284,130,000)	(2,413,630,000)	(-63,000,000)
Self-Help Housing Land Development Fund:						
Loan authorization	(500,000)		(500,000)	(500,000)	(500,000)	
Loan subsidy	43,000		22,000	22,000	22,000	-21,000
Administrative expenses	21,000		21,000	21,000	21,000	
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(66,750,000)	(27,900,000)	(66,750,000)	(66,750,000)	(66,750,000)	
Guaranteed	(488,750,000)	(300,000,000)	(488,750,000)	(488,750,000)	(488,750,000)	
Subtotal	(555,500,000)	(327,900,000)	(555,500,000)	(555,500,000)	(555,500,000)	
Operating loans:						
Direct	(850,000,000)	(314,100,000)	(850,000,000)	(800,000,000)	(825,000,000)	(-25,000,000)
Guaranteed unsubsidized	(1,800,000,000)	(1,250,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(-300,000,000)
Guaranteed subsidized	(182,140,000)	(760,000,000)	(238,354,000)	(238,354,000)	(238,354,000)	(+56,214,000)
Subtotal	(2,832,140,000)	(2,324,100,000)	(2,588,354,000)	(2,538,354,000)	(2,563,354,000)	(-268,786,000)
Soil and water loans:						
Direct	(5,500,000)		(2,337,000)	(2,300,000)	(2,337,000)	(-3,163,000)
Guaranteed	(1,500,000)		(1,415,000)	(1,415,000)	(1,415,000)	(-85,000)
Subtotal	(7,000,000)		(3,752,000)	(3,715,000)	(3,752,000)	(-3,248,000)
Indian tribe land acquisition loans	(1,000,000)		(1,000,000)	(1,000,000)	(1,000,000)	
Emergency disaster loans	(600,000,000)	(100,000,000)	(115,000,000)	(115,000,000)	(115,000,000)	(-485,000,000)
Watershed and flood prevention	(4,000,000)		(4,000,000)	(4,000,000)	(4,000,000)	
Resource conservation loans	(600,000)		(600,000)	(600,000)	(600,000)	
Credit sales of acquired property	(200,000,000)	(125,000,000)	(125,000,000)	(50,000,000)	(88,000,000)	(-112,000,000)
Total, Loan authorizations	(4,200,240,000)	(2,877,000,000)	(3,393,206,000)	(3,268,169,000)	(3,331,206,000)	(-869,034,000)
Loan subsidies:						
Farm ownership:						
Direct	15,241,000	5,444,000	13,023,000	13,023,000	13,023,000	-2,218,000
Guaranteed	24,545,000	12,630,000	20,576,000	20,576,000	20,576,000	-3,969,000
Farm operating:						
Direct	130,472,000	47,412,000	128,265,000	120,756,000	124,530,000	-5,942,000
Guaranteed unsubsidized	22,455,000	15,129,000	18,150,000	18,150,000	18,150,000	-4,305,000
Guaranteed subsidized	15,350,000	55,539,000	15,350,000	15,350,000	15,350,000	
Soil and water loans:						
Direct	456,000		456,000	456,000	456,000	
Guaranteed	43,000		43,000	43,000	43,000	

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Indian tribe land acquisition	253,000		226,000	226,000	226,000	-27,000
Emergency disaster	55,000,000	26,750,000	30,762,000	30,762,000	30,762,000	-24,238,000
Watershed and flood prevention loans	1,000					-1,000
Resource conservation	1,000					-1,000
Credit sales of acquired property	59,880,000	31,825,000	31,825,000	12,730,000	22,405,000	-37,475,000
Total, Loan subsidies	323,697,000	194,729,000	258,676,000	232,072,000	245,521,000	-78,176,000
ACIF expenses:						
Salaries and expenses	230,179,000	211,673,000	215,712,000	215,712,000	215,712,000	-14,467,000
Administratives expenses		28,933,000	14,467,000	14,467,000	14,467,000	+14,467,000
Total, ACIF expenses	230,179,000	240,606,000	230,179,000	230,179,000	230,179,000	
State mediation grants	3,750,000	2,000,000	2,750,000	3,475,000	3,000,000	-750,000
Total, Agricultural Credit Insurance Fund:						
New budget (obligational) authority	557,626,000	437,335,000	491,605,000	465,726,000	478,700,000	-78,926,000
(Loan authorization)	(4,200,240,000)	(2,877,000,000)	(3,393,206,000)	(3,268,169,000)	(3,331,206,000)	(-869,034,000)
Rural Development Insurance Fund Program Account:						
Loan authorizations:						
Water and sewer facility loans:						
Direct	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	
Guaranteed	(35,000,000)		(35,000,000)	(35,000,000)	(35,000,000)	
Subtotal	(635,000,000)	(600,000,000)	(635,000,000)	(635,000,000)	(635,000,000)	
Community facility loans:						
Direct	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	
Guaranteed	(25,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(+75,000,000)
Subtotal	(125,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+75,000,000)
Industrial development loans:						
Guaranteed	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	
Total, loan authorizations	(860,000,000)	(900,000,000)	(935,000,000)	(935,000,000)	(935,000,000)	(+75,000,000)
Loan subsidies:						
Water and sewer:						
Direct	89,880,000	87,360,000	87,360,000	87,360,000	87,360,000	-2,520,000
Guaranteed	630,000					-630,000
Community facility:						
Direct	12,011,000	8,410,000	8,410,000	8,410,000	8,410,000	-3,601,000
Guaranteed	508,000					-508,000
Industrial development	5,870,000	5,440,000	5,440,000	5,440,000	5,440,000	-430,000
Total, Loan subsidies	108,899,000	101,210,000	101,210,000	101,210,000	101,210,000	-7,689,000
RDIF expenses:						
Salaries and expenses	52,286,000	57,294,000	57,294,000	57,294,000	57,294,000	+5,008,000
Administratives expenses		1,827,000	914,000	914,000	914,000	+914,000
Total, RDIF expenses	52,286,000	59,121,000	58,208,000	58,208,000	58,208,000	+5,922,000
Total, Rural Development Insurance Fund:						
New budget (obligational) authority	161,185,000	160,331,000	159,418,000	159,418,000	159,418,000	-1,767,000
(Loan authorization)	(860,000,000)	(900,000,000)	(935,000,000)	(935,000,000)	(935,000,000)	(+75,000,000)
Rural Development Loan Fund Program Account:						
(Loan authorization)	(32,500,000)	(35,000,000)	(28,387,000)	(32,500,000)	(32,500,000)	
Loan subsidy	16,260,000	20,048,000	16,260,000	18,616,000	18,616,000	+2,356,000
RDLF expenses:						
Salaries and expenses	689,000	524,000	524,000	524,000	524,000	-165,000
Administratives expenses		10,000	5,000	5,000	5,000	+5,000
Total, RDLF expenses	689,000	534,000	529,000	529,000	529,000	-160,000
Agricultural Resource Conservation Demonstration Program Account:						
(Loan authorization)	(10,000,000)	(10,000,000)				(-10,000,000)
Loan subsidy	3,617,000	3,644,000				-3,617,000
Alcohol Fuels Credit Guarantee Program Account:						
(Loan authorization)				(45,000,000)	(30,000,000)	(+30,000,000)
Loan subsidy				13,500,000	9,000,000	+9,000,000
AFCG expenses:						
Administratives expenses				150,000	100,000	+100,000
Rural water and waste disposal grants	350,000,000	300,000,000	400,000,000	381,000,000	390,000,000	+40,000,000
Very low-income housing repair grants	12,500,000	5,000,000	12,500,000	12,500,000	12,500,000	
Rural housing for domestic farm labor	11,000,000	10,000,000	11,000,000	11,000,000	11,000,000	
Mutual and self-help housing	8,750,000		8,750,000	12,750,000	12,750,000	+4,000,000
Supervisory and technical assistance grants	2,500,000		2,500,000		2,500,000	

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Rural community fire protection grants	3,500,000		3,500,000	3,500,000	3,500,000	
Compensation for construction defects	500,000		500,000	500,000	500,000	
Rural rental assistance payments (voucher program)		140,000,000				
Rural housing preservation grants	23,000,000	10,000,000	23,000,000	23,000,000	23,000,000	
Rural development grants	20,750,000	35,000,000	20,750,000	20,750,000	20,750,000	
Solid waste management grants	3,000,000		3,000,000	3,000,000	3,000,000	
Emergency community water assistance grants	10,000,000			10,000,000	10,000,000	
Subtotal, grants and payments	445,500,000	500,000,000	485,500,000	478,000,000	489,500,000	+44,000,000
Office of the Administrator	600,000		600,000	600,000	600,000	
Salaries and expenses	38,298,000	23,802,000	23,802,000	23,802,000	23,802,000	-14,496,000
Loan administrative expenses:						
RHIF (by transfer)	(427,111,000)	(383,214,000)	(404,846,000)	(401,202,000)	(404,746,000)	(-22,365,000)
ACIF (by transfer)	(230,179,000)	(211,673,000)	(215,712,000)	(215,712,000)	(215,712,000)	(-14,467,000)
RDIF (by transfer)	(52,286,000)		(35,539,000)	(35,539,000)	(35,539,000)	(-16,747,000)
RDLF (by transfer)	(689,000)					(-689,000)
Self-Help HLDF (by transfer)	(21,000)		(21,000)	(21,000)	(21,000)	
AFCG (by transfer)				(150,000)	(100,000)	(+100,000)
Total, salaries and expenses	(748,584,000)	(618,689,000)	(679,920,000)	(676,426,000)	(679,920,000)	(-68,664,000)
Total, Farmers Home Administration:						
New budget (obligational) authority	2,557,675,000	2,270,251,000	2,629,959,000	2,593,210,000	2,601,275,000	+43,600,000
(By transfer)	(710,286,000)	(594,887,000)	(656,118,000)	(652,624,000)	(656,118,000)	(-54,168,000)
(Loan authorization)	(7,579,870,000)	(5,540,350,000)	(6,709,823,000)	(6,565,299,000)	(6,742,836,000)	(-837,034,000)
Rural Electrification Administration:						
Rural Electrification and Telephone Loans Program Account:						
Loan authorizations:						
Direct loans:						
Electric	(622,050,000)	(523,740,000)	(625,035,000)	(625,035,000)	(625,035,000)	(+2,985,000)
Telephone	(239,250,000)		(219,325,000)	(239,250,000)	(239,250,000)	
Subtotal	(861,300,000)	(523,740,000)	(844,360,000)	(864,285,000)	(864,285,000)	(+2,985,000)
FFB loans:						
Electric	(813,450,000)	(813,450,000)	(813,450,000)	(813,450,000)	(813,450,000)	
Telephone	(119,625,000)		(119,625,000)	(119,625,000)	(119,625,000)	
Subtotal	(933,075,000)	(813,450,000)	(933,075,000)	(933,075,000)	(933,075,000)	
Guaranteed loans:						
Electric		(176,266,000)				
Modified direct loans	(493,700,000)	(266,000,000)	(266,000,000)			(-493,700,000)
Total, Loan authorizations	(2,288,075,000)	(1,779,456,000)	(2,043,435,000)	(1,797,360,000)	(1,797,360,000)	(-490,715,000)
Loan subsidies:						
Direct loans:						
Electric	117,319,000	98,306,000	117,319,000	117,319,000	117,319,000	
Telephone	40,290,000		40,290,000	43,950,000	43,950,000	+3,660,000
Guaranteed loans:						
Electric		71,000				
FFB Loans	14,152,000	35,304,000	35,475,000	35,388,000	35,388,000	+21,236,000
Modified direct loans		47,880,000	47,880,000			
Total, Loan subsidies	171,761,000	181,561,000	240,964,000	196,657,000	196,657,000	+24,896,000
RETRF salaries and expenses	29,163,000	32,822,000	29,163,000	30,330,000	29,163,000	
Total, Rural Electrification and Telephone Loans Program Account:						
New budget (obligational) authority	200,924,000	214,383,000	270,127,000	226,987,000	225,820,000	+24,896,000
(Loan authorization)	(2,288,075,000)	(1,779,456,000)	(2,043,435,000)	(1,797,360,000)	(1,797,360,000)	(-490,715,000)
Rural Telephone Bank Program Account:						
Direct loans (limitation on obligations)	(177,045,000)	(475,000,000)	(177,045,000)	(177,045,000)	(177,045,000)	
Direct loan subsidy	3,629,000	10,109,000	35,000	35,000	35,000	-3,594,000
RTB salaries and expenses	8,632,000		8,632,000	8,977,000	8,632,000	
Distance Learning and Medical Link Programs	5,000,000		5,000,000	5,000,000	5,000,000	
Rural Economic Development Loans Program Account:						
Direct loans (limitation on obligations)	(8,406,000)	(15,563,000)	(9,215,000)	(15,563,000)	(12,389,000)	(+3,983,000)
Direct subsidy	2,546,000	4,300,000	2,546,000	4,300,000	3,423,000	+877,000
Office of the Administrator	243,000		243,000	243,000	243,000	

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Salaries and expenses:						
Electric and telephone loans (by transfer)	(29,163,000)	(32,822,000)	(29,163,000)	(30,330,000)	(29,163,000)	.....
Rural telephone bank (by transfer)	(8,632,000)	.....	(8,632,000)	(8,977,000)	(8,632,000)	.....
Loan origination fee	.....	(9,500,000)	.....	.....	.....	.....
Subtotal	(37,795,000)	(42,322,000)	(37,795,000)	(39,307,000)	(37,795,000)	.....
Total, Rural Electrification Administration:						
New budget (obligational) authority	220,974,000	228,792,000	286,583,000	245,542,000	243,153,000	+22,179,000
(By transfer)	(37,795,000)	(32,822,000)	(37,795,000)	(39,307,000)	(37,795,000)	.....
(Loan authorization)	(2,288,075,000)	(1,779,456,000)	(2,043,435,000)	(1,797,360,000)	(1,797,360,000)	(-490,715,000)
(Limitation on obligations)	(185,451,000)	(490,563,000)	(186,260,000)	(192,608,000)	(189,434,000)	(+3,983,000)
Total, title III, Rural Development Programs:						
New budget (obligational) authority	2,779,221,000	2,514,480,000	2,931,901,000	2,854,111,000	2,859,787,000	+80,566,000
(By transfer)	(748,081,000)	(685,527,000)	(716,192,000)	(714,210,000)	(716,192,000)	(-31,889,000)
(Loan authorization)	(9,867,945,000)	(7,319,806,000)	(8,753,258,000)	(8,362,659,000)	(8,540,196,000)	(-1,327,749,000)
(Limitation on obligations)	(185,451,000)	(490,563,000)	(186,260,000)	(192,608,000)	(189,434,000)	(+3,983,000)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Assistant Secretary for Food and Consumer Services	542,000	600,000	542,000	542,000	542,000	.....
Food and Nutrition Service:						
Child nutrition programs	1,393,223,000	2,398,524,000	2,384,066,000	2,477,029,000	2,536,098,000	+1,142,875,000
Baseline change	.....	9,941,000	.....	.....	.....	.....
Benefits change	.....	-200,318,000	.....	.....	.....	.....
Transfer from section 32	4,675,092,000	4,272,138,000	4,290,455,000	4,290,455,000	4,290,455,000	-384,637,000
Total, Child nutrition programs	6,068,315,000	6,480,285,000	6,674,521,000	6,767,484,000	6,826,553,000	+758,238,000
Special milk program	23,011,000	14,898,000	14,898,000	14,898,000	14,898,000	-8,113,000
Special supplemental food program for women, infants, and children (WIC)	2,600,000,000	2,840,000,000	2,860,000,000	2,860,000,000	2,860,000,000	+260,000,000
Commodity supplemental food program	90,000,000	90,000,000	94,500,000	94,500,000	94,500,000	+4,500,000
Food stamp program:						
Expenses	20,849,975,000	27,999,500,000	23,168,691,000	25,500,000,000	24,564,357,000	+3,714,382,000
Increased participation grants	.....	500,000	.....	.....	.....	.....
Subject to budget request	1,500,000,000	.....	2,500,000,000	2,500,000,000	2,500,000,000	+1,000,000,000
Nutrition assistance for Puerto Rico	1,002,175,000	1,051,000,000	1,040,175,000	1,040,175,000	1,040,175,000	+38,000,000
Cattle tick eradication	10,825,000	.....	10,825,000	10,825,000	10,825,000	.....
Total, Food stamp program	23,362,975,000	29,051,000,000	26,719,691,000	29,051,000,000	28,115,357,000	+4,752,382,000
Food donations programs for selected groups:						
Needy family program	81,945,000	81,020,000	81,601,000	81,601,000	81,601,000	-344,000
Elderly feeding program	151,492,000	142,912,000	142,912,000	142,912,000	142,912,000	-8,580,000
Subtotal	233,437,000	223,932,000	224,513,000	224,513,000	224,513,000	-8,924,000
Soup kitchens	32,000,000	32,000,000	32,000,000	32,000,000	32,000,000	.....
Total, Food donations programs	265,437,000	255,932,000	256,513,000	256,513,000	256,513,000	-8,924,000
The emergency food assistance program	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	.....
Commodity purchases - TEFAP	120,000,000	120,000,000	120,000,000	120,000,000	120,000,000	.....
Total, The emergency food assistance program	165,000,000	165,000,000	165,000,000	165,000,000	165,000,000	.....
Food program administration	103,535,000	108,690,000	103,535,000	103,535,000	103,535,000	.....
Total, Food and Nutrition Service	32,678,273,000	39,005,805,000	36,888,658,000	39,312,930,000	38,436,356,000	+5,758,083,000
Human Nutrition Information Service	10,788,000	13,716,000	10,788,000	10,788,000	10,788,000	.....
Total, title IV, Domestic Food Programs, new budget (obligational) authority	32,689,603,000	39,020,121,000	36,899,988,000	39,324,260,000	38,447,686,000	+5,758,083,000
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service	110,023,000	109,789,000	110,023,000	110,023,000	110,023,000	.....
Ameri Flora '92 Exposition	500,000	.....	.....	.....	.....	-500,000

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Public Law 480 Program Account:						
Title I - Credit sales:						
Program level	(563,804,000)	(512,099,000)	(563,804,000)	(581,359,000)	(555,276,000)	(-8,528,000)
Direct loans	(511,619,000)	(473,849,000)	(511,619,000)	(538,295,000)	(509,996,000)	(-1,623,000)
Ocean freight differential	52,185,000	38,250,000	52,185,000	43,064,000	45,280,000	-6,905,000
Title II - Commodities for disposition abroad:						
Program level	(710,087,000)	(639,800,000)	(763,842,000)	(810,000,000)	(810,000,000)	(+99,913,000)
Appropriation	710,087,000	639,800,000	763,842,000	810,000,000	810,000,000	+99,913,000
Title III - Commodity grants:						
Program level	(333,594,000)	(326,700,000)	(333,594,000)	(344,269,000)	(333,594,000)	.....
Appropriation	333,594,000	326,700,000	333,594,000	344,269,000	333,594,000	.....
Loan subsidies	388,319,000	317,763,000	317,800,000	360,981,000	342,003,000	-46,316,000
Debt restructuring	.....	69,531,000	69,531,000	13,183,000	40,000,000	+40,000,000
Debt restructuring for CCC	.....	14,350,000	.....	.....	.....	.....
Salaries and expenses:						
General Sales Manager	1,242,000	1,467,000	1,242,000	1,467,000	1,467,000	+225,000
ASCS	573,000	1,036,000	573,000	1,036,000	1,036,000	+463,000
Subtotal	1,815,000	2,503,000	1,815,000	2,503,000	2,503,000	+688,000
Total, Public Law 480:						
Program level	(1,607,485,000)	(1,478,599,000)	(1,661,240,000)	(1,735,628,000)	(1,698,870,000)	(+91,385,000)
Appropriation	1,486,000,000	1,408,897,000	1,538,767,000	1,574,000,000	1,573,380,000	+87,380,000
CCC Export Loans Program Account:						
Loan guarantees:						
Short-term export credit	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	.....
Intermediate export credit	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	.....
Emerging democracies export credit	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	.....
Loan subsidy	155,524,000	388,170,000	388,170,000	388,170,000	388,170,000	+232,646,000
Salaries and expenses (Export Loans):						
General Sales Manager	2,731,000	3,262,000	2,731,000	2,731,000	2,731,000	.....
ASCS	589,000	621,000	589,000	589,000	589,000	.....
Subtotal	158,844,000	392,053,000	391,490,000	391,490,000	391,490,000	+232,646,000
Office of International Cooperation and Development	7,247,000	6,491,000	7,247,000	7,247,000	7,247,000	.....
Scientific activities overseas (foreign currency program) (limitation on administrative expenses)	(1,062,000)	.....	(1,062,000)	(1,062,000)	(1,062,000)	.....
Total, title V, International Programs, new budget (obligational) authority	1,762,614,000	1,917,230,000	2,047,527,000	2,082,760,000	2,082,140,000	+319,526,000
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses	725,962,000	557,038,000	744,135,000	746,035,000	746,035,000	+20,073,000
Buildings and facilities	8,350,000	8,350,000	8,350,000	8,350,000	8,350,000	.....
Rental payments	25,612,000	25,612,000	25,612,000	25,612,000	25,612,000	.....
Total, Food and Drug Administration	759,924,000	591,000,000	778,097,000	779,997,000	779,997,000	+20,073,000
DEPARTMENT OF THE TREASURY						
Financial Management Service:						
Payments to the farm credit system financial assistance corporation	112,606,000	84,614,000	84,614,000	84,614,000	84,614,000	-27,992,000
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	47,300,000	52,834,000	47,300,000	47,300,000	47,300,000	.....
Farm Credit Administration (limitation on administrative expenses)	(40,290,000)	(43,244,000)	(38,686,000)	(39,908,000)	(39,908,000)	(-382,000)
Farm Credit System Assistance Board (limitation on administrative expenses)	(2,175,000)	(809,000)	(809,000)	(809,000)	(809,000)	(-1,366,000)
Total, title VI, Related Agencies:						
New budget (obligational) authority	919,830,000	728,448,000	910,011,000	911,911,000	911,911,000	-7,919,000
(Limitation on administrative expenses)	(42,465,000)	(44,053,000)	(39,495,000)	(40,717,000)	(40,717,000)	(-1,748,000)
TITLE VII - GENERAL PROVISIONS						
Reduction of appropriations (sec. 732)	.....	.....	-49,303,788	.....	.....	.....
Agricultural Resource Conservation Demonstration Program Account:						
(Loan authorization)	.....	.....	.....	.....	(10,000,000)	(+10,000,000)
Loan subsidy	.....	.....	.....	.....	3,644,000	+3,644,000

Agriculture, Rural Development, Food & Drug Administration, and Related Agencies (H.R. 5487), cont.

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
RECAPITULATION						
Grand Total:						
New budget (obligational) authority	52,526,238,000	60,381,222,000	58,907,757,212	61,427,332,000	60,547,821,000	+8,021,583,000
(By transfer)	(758,314,000)	(695,966,000)	(725,995,000)	(724,701,000)	(726,683,000)	(-31,631,000)
(Loan authorization)	(15,567,945,000)	(13,019,806,000)	(14,453,258,000)	(14,062,659,000)	(14,250,196,000)	(-1,317,749,000)
(Limitation on administrative expenses)	(137,438,000)	(142,698,000)	(139,202,000)	(143,516,000)	(143,516,000)	(+6,078,000)
(Limitation on obligations)	(185,451,000)	(490,563,000)	(186,260,000)	(192,608,000)	(189,434,000)	(+3,983,000)
Title I - Agricultural programs	11,620,511,000	13,478,460,000	13,482,882,000	13,489,288,000	13,535,901,000	+1,915,390,000
Title II - Conservation programs	2,754,459,000	2,722,483,000	2,684,752,000	2,765,002,000	2,706,752,000	-47,707,000
Title III - Farmers Home and Rural development programs	2,779,221,000	2,514,480,000	2,931,901,000	2,854,111,000	2,859,787,000	+80,566,000
Title IV - Domestic food programs	32,689,603,000	39,020,121,000	36,899,988,000	39,324,260,000	38,447,686,000	+5,758,083,000
Title V - Foreign assistance and related programs	1,762,614,000	1,917,230,000	2,047,527,000	2,082,760,000	2,082,140,000	+319,526,000
Title VI - Related agencies and Food and Drug Administration	919,830,000	728,448,000	910,011,000	911,911,000	911,911,000	-7,919,000
Title VII - General provisions	.....	.....	-49,303,788	.....	3,644,000	+3,644,000
Total, new budget (obligational) authority	52,526,238,000	60,381,222,000	58,907,757,212	61,427,332,000	60,547,821,000	+8,021,583,000

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

Mr. Speaker, I intend to be very brief because the chairman, the gentleman from New York [Mr. MCHUGH], and the gentleman from Mississippi have done a good job, I think, of detailing the inclusions in the conference agreement. They have done it well in their usual, comprehensive and efficient manner.

Mr. Speaker, let me say at the outset that it is truly a great honor for me to serve on the subcommittee as the ranking member. We are indeed very fortunate, and I might add so are all of America's farmers and consumers, that our important agricultural appropriations are directed under the leadership of a remarkable chairman, the distinguished gentleman from Mississippi [Mr. WHITTEN]. All of the other members of the subcommittee from both sides of the aisle are dedicated and very efficient contributors to the enhancement of agricultural programs which are of great importance to our Nation and its future growth.

Unfortunately, one of the brightest and best talents on the subcommittee, the gentleman from New York, and my good friend [Mr. MCHUGH], will be leaving us at the end of this session. We will greatly miss his wisdom and intelligence, and his valuable contributions to our subcommittee's work. And I feel that they are not easily replaceable.

The same is also true for other great losses to the subcommittee by the departure of our good friend, the gentleman from Michigan [Mr. TRAXLER], and also the gentleman from Minnesota [Mr. WEBER]. We wish them all continued success and good wishes in all of their future work.

Mr. Speaker, in general the conference report we are now considering, which I am pleased to say is the first of this year's harvest for the 13 appropriations bills, should be described as a moderate and well-balanced agreement. In fact this conference report is one of only two appropriations bills to have passed the House which does not have any veto threat associated with it. As our chairman has already stated, the spending totals provided in the conference report are within the subcommittees very constrained 602(b) discretionary budget authority allocations for fiscal year 1993. Of the total $60.547 billion in new budget authority made available for all Agriculture and related agencies programs including the Food and Drug Administration, only $13.8 billion can be controlled as discretionary spending through the regular appropriations process.

The largest spending increase for the discretionary area is for the WIC Program at $2.860 billion a $260 million increase above last year.

The majority of all program costs—over 60 percent of the total—must be used to pay for mandatory or entitlement programs. For example, the food stamp program now costs over $28 billion, an increase of more than $5 billion above fiscal year 1992. Income and commodity support payments under the Commodity Credit Corporation account generates mandatory spending of $9.2 billion, an increase of $1.5 billion over last year.

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In the international spending area, funds are provided for the various Public Law 480 export credit programs at a level of $2.5 billion, about $685 million more than last year. I am disappointed that in this part of the conference agreement, despite our strong efforts, we were not successful in maintaining the House level for the Public Law 480 title I direct loan program, which was accepted by a wide margin by the House on an amendment offered by the gentleman from Washington [Mr. MILLER] and the gentleman from Ohio [Mr. KASICH].

Our Nation's food commodity exports to other countries are now more than $40 billion per year, and it is by far the most, or one of the most, important and favorable elements of our balance of trade and its components.

In this regard, I believe the marketing promotion program, otherwise known as the MPP, has been most helpful. The conference report not only continues funds of $147.8 million for MPP, but also includes program reforms.

Overall, it is important to underscore the fact that this year's conference report recommends spending for $13.8 billion, only $1.5 billion more than the 1992 for the discretionary programs.

I am pleased that the conference agreement includes the $25 million provided in the House bill to address some of the critical needs for water and sewer improvements along the United States-Mexican border in that area known as the colonias.

Mr. Speaker, in conclusion, let me say that while the administration is not indicating any veto recommendations for this conference report, they still have several concerns. For instance, the administration objects to no funding for the wetlands reserve program; also, reductions to their request for the national research program and opposition to the funding for a new alcohol fuel credit guarantee program and the reduction of funds provided in the House bill for debt restructuring for the Enterprise of the Americas.

Despite these problem areas, I believe that we have a good conference report, one that the President will sign into law.

I recommend that all of my colleagues in the House vote for it.

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

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

Mr. Speaker, I rise in support of the conference report and urge my colleagues to support it.

I would like to begin by again paying tribute to our chairman, JAMIE WHITTEN of Mississippi. He has led this subcommittee on Agriculture almost continuously since 1949, and in the entire country there is no one more expert on these programs than he. My service on the subcommittee dates only from 1978, so I have had the rare opportunity to learn from the master, and it has been a privilege indeed. I also would like to express my appreciation to our distinguished ranking member, our friend from New Mexico, Mr. SKEEN, to the other members of the subcommittee on both sides of the aisle, and to our very capable staff. It has been a pleasure to work with each and every one of them.

Mr. Speaker, this conference report is below our 602(b) allocation on both outlays and budget authority. While aggregate spending is higher than the House version of the bill, it is below the Senate bill. It is a true compromise that reflects the essential needs of our people as well as our budget constraints.

The increases above the original House bill are primarily accounted for by increases in mandatory programs reflected in OMB's customary midsession review. When OMB reestimated entitlement spending for programs such as food stamps and those related to child nutrition, spending levels for fiscal year 1993 were estimated to be higher than the estimates we had available when the House bill was first considered. As you know, our committee has no choice but to appropriate these funds, and we hope that doing so now will avoid the need for a later supplemental.

Mr. Speaker, many of the discretionary programs financed in this bill are at last year's level or below it. From the outset the House has sought to apply strict budgetary standards. For example, the House bill appropriated no money for new research projects and provided no additional funds for ongoing research grants. The conference report generally follows that strict standard. With only one exception, any new research grant had to be offset by a cut in spending in current projects. All other research grants were at or below last year's number.

Inevitably, there had to be some compromises on individual programs. For example, the conference report increases the House number for the market promotion program, a program which some of us have expressed reservations about. However, the number the conference report recommends is below the President's request and below the figures in the Senate bill. It is a true compromise. Moreover, we have included language in the Statement of Managers which addresses the concerns some of us have expressed.

One of the discretionary programs that has been increased, Mr. Speaker, is the WIC Program. The conference report provides $2,860,000,000, an increase over the current year of $260 million. This will facilitate a modest expansion of the program. I wish we could have done better because this is one of our most cost-effective programs, saving at least $3 in medical costs for every dollar invested in WIC. However, budget constraints once again imposed a limit on what we could recommend.

Mr. Speaker, this is a fair and responsible conference report, and I do urge my colleagues to support it.

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

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report.

I would like to congratulate all of the parties who worked hard to keep spending down on this conference report and thank all of the staff who worked so hard to take care of all of the needs and tried to be responsible to both the Senate and House.

This is a true compromise. I think it is a fair and responsible conference, and I rise in support of the conference report.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN], the ranking Republican on the Committee on Agriculture, the authorizing committee.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, would the gentleman from New York join me in a statement of commendation for the work of the conferees and a question with respect to the conference report to H.R. 5487.

Mr. MCHUGH. Mr. Speaker, if the gentleman will yield, I would be happy to do that.

Mr. COLEMAN of Missouri. Mr. Speaker, I was pleased to note and extend my commendation and that of my constituents in Missouri to the inclusion of a statement of the conferees in the conference report urging, expecting and agreeing that cost sharing for the rural water supply component of the project known as the East Yellow Creek Watershed, that is consistent with the 1989 statement of the USDA reaffirming its rural water cost-sharing policy, should be provided under H.R. 5487, as enacted.

My question is, is it the position of the conferees that the Director, Office of Management and Budget, is urged to approve the Federal cost-sharing for such project?

Mr. MCHUGH. Mr. Speaker, if the gentleman will yield, yes.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for that response and I thank the committee chairman for his cooperation on this matter, and also special appreciation to the gentleman from New Mexico [Mr. SKEEN], who assisted me in this matter as well.

Mr. MCHUGH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, this is the first of the conference reports on the appropriation bills to come back to the House, and as such I would like to report on how it stands with regard to the budget resolution and the budget agreement.

The bill provides $13.8 billion in total discretionary budget authority, and $13.4 billion in total discretionary outlays, which are $1 million less than the 602(b) subdivision for budget authority and equal to the 602(b) subdivision for outlays, respectively, for this subcommittee.

I want to commend Chairman WHITTEN, and I want to commend the gentleman from New York [Mr. MCHUGH], as well as the ranking member, the gentleman from New Mexico [Mr. SKEEN] for the work they have done in adhering to the limits that are in the budget agreement and the 1993 budget resolution.

I also want to commend them for the amount they put in for the WIC Program.

The problem we have with this area is that there is a tremendous amount of mandatory spending that is part of this, both with regard to agricultural programs as well as the Food Stamp Program. That obviously puts pressure on the subcommittee in terms of the amounts that are part of it; but understanding those pressures, this committee has done an outstanding job in standing by the elements of the budget resolution in the budget agreement, and for that reason I support this conference report.

Mr. Speaker, I rise in support of H.R. 5487, the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill for fiscal year 1993. This is the first conference report on an annual appropriations bills for 1993 to be presented to the House.

This bill provides $13.873 billion in total discretionary budget authority and $13.420 billion in total discretionary outlays, which are $1 million less than the 602(b) subdivision for budget authority and equal to the 602(b) subdivision for outlays, respectively, for this subcommittee.

I want to commend Chairman WHITTEN and the ranking member of the subcommittee, Mr. SKEEN, for the work they have done in adhering to the limits set forth in the budget agreement and the 1993 budget resolution.

As chairman of the Budget Committee, I will continue to inform the House of the impact of all spending legislation. I have provided a "Dear Colleague" letter describing how each appropriation measure considered so far compared to the 602(b) subdivisions for that subcommittee. I will provide similar information about the other conference reports on fiscal year 1993 appropriations bills.

I look forward to working with the Appropriations Committee in the future.

COMMITTEE ON THE BUDGET,
Washington, DC, August 10, 1992.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 5487, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 1993, which is scheduled for floor consideration on Tuesday, August 11, 1992.

This is the first appropriations conference report to be considered for Fiscal Year 1993. This conference report is $1 million below the 602(b) subdivision for this subcommittee in discretionary budget authority. Outlays are equal to the 602(b) subdivision total.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact sheet]

CONFERENCE REPORT TO ACCOMPANY H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1993 (H. REPT. 102-815)

The House Appropriations Committee filed the conference report to accompany H.R. 5487, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for 1993 on Friday, August 7, 1992. The full House is scheduled to consider this conference report on Tuesday, August 11, 1992.

COMPARISON TO THE 602(B) SUBDIVISION

The conference report provides $13,873 million in *total* discretionary budget authority, $1 million less than the Appropriations 602(b) subdivisions for this subcommittee. The estimated total discretionary outlays in the conference report are equal to the subdivisions for this subcommittee. These totals include amounts in both the domestic and international categories.

The conference report provides $12,299 million of domestic discretionary budget authority, $1 million less than the Appropriations domestic subdivision for this subcommittee. The conference report provides $11,841 million of domestic discretionary outlays, which equals the domestic discretionary outlay subdivision for this subcommittee. A comparison of the conference report to the domestic spending allocations for this subcommittee follows:

COMPARISON TO DOMESTIC DISCRETIONARY SPENDING ALLOCATION

[In millions of dollars]

	Agriculture, rural development appropriations bill		Appropriations Committee 602(b) subdivision		Bill over(+)/under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	12,299	11,841	12,300	11,841	−1	.....
Mandatory	41,123	32,370	41,123	32,370	.....	.....
Total	53,422	44,211	53,423	44,211	1	.....

[1] Conforms to budget resolution estimates of existing law.

Note. BA—New budget authority; O—Estimated outlays.

The conference report provides $1.573 million of international discretionary budget

authority for P.L. 480 Food for Peace programs, $1 million less than the Appropriations international subdivision for this subcommittee. The conference report provides outlays equal to the subdivision for international discretionary outlays.

COMPARISON TO INTERNATIONAL DISCRETIONARY SPENDING ALLOCATION

[In millions of dollars]

	Agriculture, rural development appropriations bill		Appropriations Committee 602(b) subdivision		Bill over(+)/under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	1,573	1,579	1,574	1,579	−1	

Note. BA—New budget authority; O—Estimated outlays.

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays on June 11, 1992. These subdivisions are consistent with the allocation of spending responsibility to House committees continued in House Report 102-529, the conference report to accompany H. Con. Res. 287, the Concurrent Resolution on the Budget for Fiscal Year 1993, as adopted by the Congress on May 21, 1992.

PROGRAM HIGHLIGHTS

The following are the major program highlights for the conference report to accompany H.R. 5487, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 1993:

[In millions of dollars]

	Budget authority	New outlays
Agriculture programs:		
Commodity Credit Corporation (mandatory)	9,200	
Market Promotion Program (MPP) limit	−26	−26
Agricultural Research Service	695	522
Extension Service	425	297
Animal and Plant Health Inspection Service	443	368
Cooperative State Research Service	482	221
Federal Crop Insurance Corporation (mandatory in part)	596	318
Food Safety and Inspection Service	490	446
Agricultural Stabilization and Conservation Service	713	656
Conservation and Rural Development programs:		
Rural Electrification Administration:		
New loan subsidies	248	32
Administrative expenses	29	26
Farm operation and ownership loans:		
New loan subsidies	246	238
Administrative expenses	230	219
Rural Housing:		
New loan subsidies	656	326
Administrative expenses	427	380
Rental Assistance program	338	7
Rural Development loans:		
New loan subsidies	101	5
Administrative expenses	58	52
Soil Conservation Service conservation operations	577	532
Rural water and waste disposal grants	390	8
Watershed and flood prevention operations	228	126
Conservation Reserve (mandatory)	1,579	1,579
Nutrition programs:		
Food Stamp Program (mandatory)	27,064	21,450
Child nutrition programs (mandatory)	6,827	5,478
Supplemental feeding programs (WIC)	2,860	2,688
Nutrition assistance for Puerto Rico (mandatory)	1,051	1,047
Food donations for selected groups	257	209
Emergency Food Assistance Program	165	150
Other programs:		
Public Law 480, Food for Peace	1,533	1,165
Food and Drug Administration	780	641
Payment to the Farm Credit System (mandatory)	85	85
Commodity Futures Trading Commission	47	41

BRADY BACKS REVIEW OF PLANS TO ALTER FED—FAILURE TO SPUR MONEY SUPPLY IRKS TREASURY CHIEF

(By David Wessel and Rick Wartzman)

WASHINGTON.—Treasury Secretary Nicholas Brady, frustrated by the Federal Reserve's failure to get the money supply growing, said he favors a review of congressional proposals to alter the Fed to make it more responsive to the economy.

In an interview with The Wall Street Journal, Mr. Brady said the Bush administration "could undertake some useful exploration" of proposals made by Rep. Lee Hamilton (D., Ind.), co-chairman of the Joint Economic Committee.

Mr. Hamilton, has proposed, among other things, blocking presidents of the district Federal Reserve banks from voting on monetary policy, on grounds that they are appointed by private-sector bank directors without presidential or congressional review. He has also called for requiring regular meetings between administration economic officials and the entire Fed policy-making committee.

Mr. Brady said the Treasury hasn't begun studying on its own whether to restructure the Fed, but he said he is interested in "bringing Fed deliberations closer to the actual circumstances in the economy." he added, "I don't think we should change the basic theory of Fed independence. That's stood as well over the years."

His expression of interest in restructuring the Fed is a clear shot across the central bank's bow. Mr. Brady partly blames the Fed for the current sluggishness of the U.S. economy. "In my opinion, you cannot have satisfactory growth in the economy with a negative money supply," he said. The M2 measure of the money supply—currency, checking accounts, money market funds and some certificates of deposit—has been shrinking since February.

GREENSPAN'S VIEW

Fed Chairman Alan Greenspan has argued that the traditional link between the money supply and the economy seems to be broken and that weak money growth doesn't necessarily presage a weakening economy. Mr. Greenspan argues that even though the Fed hasn't managed to increase the money supply as conventionally measured, it has reduced short-term interest rates substantially.

Usually, Fed action to pump credit into the economy both increases the money supply and reduces short-term rates; Mr. Greenspan has said the Fed is still examining the reasons that isn't happening now.

By law, monetary policy is made by the seven Fed governors in Washington and five of the 12 presidents of the district reserve banks, who serve in rotation as members of the Fed's Open Market Committee. Only the governors are appointed by the president and confirmed by the Senate.

Although Rep. Hamilton's bill isn't moving on Capitol Hill, Fed officials take it seriously because it is backed by respected members of Congress, it isn't as radical as some past proposals, and it comes at a time of anxiety about the economy. The legislation would also require the Open Market Committee to meet three times a year with the secretary of the Treasury, the White House budget director and the chairman of the Council of Economic Advisers. It also would give every president the right to pick a new Fed chairman one year after his inauguration; Fed chairmen now serve four-year terms that don't always coincide with the president's.

Despite his argument that the money supply isn't growing enough to permit the economy to expand. Mr. Brady said that he expects the economy to perk up soon, in part because of Fed-engineered reductions in interest rates. Rising corporate profits are also a harbinger of good things, he said.

DEFENSE OF BUDGET ACCORD

In the interview, Mr. Brady defended the administration's controversial 1990 budget-deficit agreement with Congress and said he expects another round of talks aimed at deficit-reduction if Mr. Bush is re-elected. But next time, he vowed, Mr. Bush won't agree to tax increases.

Here are excerpts from the interview:

Q. What is the biggest risk to the economy now?

A. We are in a growth phase, but a great many of our trading partners aren't in the same phase. Japan—not doing very well. Germany—not doing very well. The fact that Germany is not doing well is holding up the growth in Eastern Europe. But Latin America is doing very well, and Canada seems to be getting better. We're growing in the U.S. nowhere near fast enough . . . but the extra zip we need from export growth is something . . . we'd like to see a little more of.

Q. Was the Bundesbank's recent increase in interest rates helpful?

A. No. Germany has domestic problems they have to solve. The reunification of Germany was more expensive than they thought. It's holding up growth for the rest of the European Community.

Q. For a year and a half, the U.S. didn't intervene to support the dollar. Recently you did. Why?

A. I don't believe in intervention on a daily basis. There are certain times when finance ministers and certain central bankers think the market gets ahead of itself or behind itself, where it makes sense for intervention to take place. This is one of those moments. I think it was successful.

Q. It has been almost two years since the budget deal of 1990. Was it good for the economy?

A Nothing I say should be viewed as contradictory to what the president has said. I know what he meant when he said it was a mistake. The Democrats have taken it as a sign that the solution to all problems involves the raising of taxes. That was a mistake. However, there were some things in the agreement which were important principles. Almost any member of Congress would tell you that the pay-as-you-go provisions are a very, very heavy control on congressional spending.

Q. Is the deficit smaller than it would have been without the deal?

A. No question about it.

Q. But do you think the economy is better off than if you hadn't had an agreement?

A. That's question you can't answer. Those who argue that the deficit is too big now certainly can't argue that a reduction is a bad idea. And, obviously, there was a very fortuitous relationship between the signing of the budget agreement and the Fed's reduction in interest rates. That was not an accident.

Q. Wasn't the argument for the 1990 deal that it was better to have tax increases than no deficit reduction at all?

A. Tax increases and spending reductions. That one time, yes. But not again.

Q. If Mr. Bush is re-elected, do you think you should sit down and try another round of deficit reduction?

A. Definitely. I think these new members of Congress are going to have a different way of solving it. I don't think there are going to be a lot of people elected on the platform of higher taxes. I think there will be a lot of people elected on the basis of lower spending. You could say that has always been true. On the other hand, it looks as though we'll have 150 new people in Congress.

Q. There are suggestions that you don't want to be around for a second term if there is one. Is that so?

A. I am totally at the president's service. Never discussed it with him. Those suggestions are idle.

Q. A number of Republicans say you are a liability to the president. Have you considered resigning?

A. I don't think about that talk for 30 seconds.

Q. Not even 30 seconds? Didn't you ask the vice president to call Sen. Connie Mack (R. Fla.) when he asked for your resignation?

A. No. I didn't ask him to call Connie Mack. He offered to call Connie Mack, asked me what it was all about. I said I don't know, call Connie Mack. I don't think it does the president any good to have internal dissension.

Mr. MYERS of Indiana. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague from Indiana for yielding me this time.

Every time we have an appropriation bill or a conference committee bill on appropriations come back, I always hear everybody talking about what a great job everyone is doing, how we are staying within the 302(b) allocations and how we are doing a really good job for the American people.

Well, let us just talk about this particular bill for a minute. The growth in entitlements in this bill is almost 18 percent above last year's spending levels, 18 percent. Most of the entitlements we have had that have come before this body in the appropriation bills have increased between 15 percent this last year to 25 percent a year.

Now, the rate of inflation has been about 3 percent, so we have seen between five and eight times growth over the rate of inflation in the last year.

Let us look at what that means, to my colleagues back in their offices who may not be paying attention or who may not be here on the floor. In 1972, we had $92 billion in entitlements. Twenty years later, it is $805 billion in entitlements, and last week after my colleagues said they were going to do something to get control of spending, they came up with a new entitlement bill that passed here that increased the entitlements by $3.5 billion.

The bottom line is spending on entitlements is out of control, and yet we continue to say on this floor that we are doing a great job.

This conference committee report is $8.021 billion above the fiscal year 1992 year level. It is $1.64 billion above the bill we passed here just two weeks ago, and yet everybody says we are doing a good job. I do not think so.

What this portends for the future is economic chaos, and we will have to start printing money to pay off this debt because we will not even be bringing in enough money in taxes to pay the interest on the debt, so we will have to print money to pay off the debt and we will be paying the interest on it.

At that point, you have heard me say this before, that is when bread goes to $30 a loaf and milk goes to $30 a quart.

Now, let us look at some other figures here. This according to the Federal Reserve Board is the growth in the national debt. Look where we are today, here in 1992. It just went over $4 trillion. I think last Sunday we went over $4 trillion.

The projections are that in the next 7½ years we are going to be at $13½ trillion. We will not even be able to pay the interest on the debt. The tax revenues coming into the Treasury today are about $1.3 or $1.4 trillion a year.

This is what the interest alone is going to be on the debt in 7 or 8 years, and we are not seeing a growth in the economy. It has flattened out, so the tax revenues are not going to increase that much unless we do something dramatic, which is not likely the way we are heading, and so the tax revenues are not even going to exceed the interest on the debt.

So how are you going to pay for Medicaid, Medicare and all these entitlement programs, the WIC Program and everything else we are talking about today? You will not be able to unless we print money to pay off the debt. That is going to be a big problem.

Now, many of my colleagues say, well, as long as the debt is not increasing as a percentage of the gross national product, we will be all right. Well, let us look at that.

Here is the gross national product where we were in 1980, 1990 and 1992. You will see that the gross national product today is just about at 33.2 percent and the debt is 57.4 percent, so it is almost half the growth in the GNP, and 10 years it was much less than that, so you see it is outrunning the growth in GNP. So the argument that as long as we keep the debt at a certain percentage of GNP that we are going to be all right, just does not hold water, because the debt is increasing at a much more rapid rate than the growth in GNP, by almost 2 to 1.

Let me just say, Mr. Speaker, that I will be opposing the motion to recede and concur on several of these amendments today, about 5 of them, so we will be calling for votes on them; but I want to say to my colleagues that we can no longer afford to come down here and pat each other on the back and say we are all doing a great job when the country is going to hell in a handbasket.

I am telling you, the deficit is out of control and this bill that left the House two weeks ago has come back after conference even higher than it was when it left this place, and yet we say we are doing a good job.

The American people know we are not doing a good job. They know the country is in economic chaos and they know it is going to get worse if we do not get control of spending, and all of us are going to be answerable to the electorate this November and in the years to come.

So I would like to say to my colleagues, let us cap the entitlements. Let us put a small percentage of growth on there and cap them. We cannot let them grow 15 to 25 percent a year indefinitely without economic chaos.

□ 1430

I do not think I have a great deal more to say other than this debate has taken place week in, week out throughout this year, last year and the year before that, and every year the situation gets worse and worse and worse.

We are going to be held accountable not just by the people of today but by the future generations.

There are a lot of books out about it right now; one book that I have been talking about is the "Coming Economic Earthquake," by a guy named Larry Burkett. It tells where we are heading.

It tells what is going to happen if we do not get control of spending.

So I say to my colleagues let us start dealing with it today, let us not put it off any longer.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I would yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the comments of the gentleman, but he is preaching to the wrong group here. The very word "entitlement" means it is taken out of control of the Appropriations Committee. What the gentleman is speaking of here is beyond our control.

Entitlements are a problem to our country. If we are going to balance the budget, we all recognize we have to do something about it. But these entitlements are completely out of the control of the Committee on Appropriations, as the gentleman well knows. If we had our way, I think we would do much differently. But we can do little but just appropriate the amounts of money that are needed. That is how the entitlements were created in the first place, to escape the restrictions and controls that the Appropriations Committee tried to impose on some of these programs.

Mr. BURTON of Indiana. Let me just say that the entitlements are the big problems. We all know that. But in the appropriations process the Appropriations Committee still has a lot of what I consider to be pork-barrel projects. Granted, it is not the big problem, but it is one of the major problems. I think we need to deal with the appropriations process itself and get control of these special projects that we are giving to individual congressmen for their districts which I consider to be pork-barrel projects.

But the gentleman is absolutely correct, the Appropriations Committee is moving in the right direction, but we have got to get the Budget Committee and the other areas of Government on board as far as the entitlements are concerned, or we are going to have chaos.

Mr. MYERS of Indiana. The next session of the Congress must address this problem, I think we all recognize this.

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

I do so simply to emphasize what the gentleman from Indiana [Mr. MYERS] has pointed out. I agree, and I think many Members of this body would agree with the gentleman from Indiana, that unless we get entitlement spending under control, the national debt problem is simply not going to be resolved or even significantly mitigated.

But the Committee on Appropriations does not in fact have any authority over entitlement programs. We are bound to fund those mandatory programs which are on the books.

I would say to my friend from Indiana that 80 percent of the bill that is before us is mandatory spending. So, in terms of discretionary programs we are dealing with only a fraction of this entire bill, which really ties our hands in many respects.

Mr. BURTON of Indiana. Mr. Speaker, will my colleague yield?

Mr. McHUGH. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, one of the problems is that the people who watch what we do around here and many of my colleagues around here do not understand how the entitlements work. I would like for my colleague to explain just briefly why there is a 17.6-percent increase in the entitlement portion of this bill and how that happened, and how the Budget Committee does that.

Mr. McHUGH. I thank the gentleman for his comments.

Basically, entitlements are established by law. That is, they go through the authorizing committees, they are acted upon by the House and the Senate and signed by the President.

So once an entitlement becomes part of the law, the Committee on Appropriations has to fund every benefit under the entitlement program that is earned by virtue of the terms of the law.

Now, what happened in this particular bill, in response to the question of the gentleman, is that with the economy being slow, with our having gone through a recession, more people have become unemployed and those people, in many cases, become entitled under the law to food stamps, to cite just one example. There are other laws which also provide entitlements to benefits when people are out of work or where their income is low.

So in this particular bill, for example, we have a number of entitlement programs such as food stamps, which have grown simply because the economy has been in recession and sluggish, more people have become unemployed. Therefore, as their incomes have gone down, they have become entitled to benefits under the law, and we have no choice in this bill but to fund those benefits.

Mr. BURTON of Indiana. Let me make just one more comment. The chart that I have on the floor just a few moments ago that shows the growth in entitlements had gone from $90 billion in 1972 to $805 billion in 1992, it shows that the growth in entitlement has been consistent, going up anywhere from 10 to 20 percent per year. I submit to my colleagues, in most of those years we were not in a recession. The growth in entitlements is consistent, consistently going up even in the good years and the bad. That is why we need to address it, to put a cap on it, because if we do not, everything is going to explode around this place and in the country.

Mr. McHUGH. I thank the gentleman for his comments. I do believe we need to make changes in the law, in the authorizing legislation which deals with our entitlement programs, if we are serious about dealing with our debt.

What I also point out, to put this in perspective, is that on the discretionary side, where we do have control in the Appropriations Committee, there has been a significant pattern since 1945 in providing less funds than requested by the President in his annual budgets. Specifically, since 1945, appropriation bills have been $188.8 billion below the total of the amounts requested by the President.

Therefore, I think it is fair to say that while entitlements have been increasing, we do have to do something about controlling them. On the discretionary side of our budget, where we have control, we have made some significant cuts and some restraints have been imposed.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. I thank the gentleman for yielding. I thank the gentleman for his good work on a very important bill, as well as my congratulations and commendations to the gentleman from Kentucky [Mr. NATCHER] and my colleague, the gentleman from Mississippi [Mr. WHITTEN] on this important bill.

Mr. Speaker, there are a lot of things about this bill that I am very supportive of. One is that I am particularly pleased that the House has agreed to accept the Senate amendment regarding the rural health and safety education program. This program, which would be coordinated between the Extension Service and the Office of Rural Health Policy over at HHS, Department of Health and Human Services, is of the utmost importance to the people of rural America and people of rural Mississippi.

Since 1981, 22 of our rural hospitals have been closed. Fifty-nine of Mississippi's eighty-two counties are classified by Health Care Financing Administration as health manpower shortage areas for primary medical care. Fifth-two percent of Mississippi's primary care physicians live and practice in 8 counties, which contain only 35 percent of the population. Rural Mississippi is in desperate need of health care, and we know, Mr. Speaker, that is not an anomaly.

I would also like to express my support for the $1 million appropriation to carry out a portion of section 2501 of the 1990 farm bill which relates to minority farmers.

Today, less than 1 percent of our farmers are minority farmers. In a time in which all farmers are losing their land at an unprecedented rate, the disappearance of minority-owned land is even more astounding. Discrimination, historical patterns of neglect, lack of access, and limited education have made it hard for minority farmers to keep their land. I am really proud, Mr. Speaker, that we were able to get about $1 million for this appropriation bill.

I am really proud, Mr. Speaker, that we were able to get about $1 million in this appropriation bill. We have allowed for the implementation of the outreach and technical assistance program outlined in section 2501 of the FACT Act will help to end the blight of our minority farm families.

I would like to close by expressing my disappointment in the failure of the conference committee to continue the Wetlands Reserve Program. Mississippi was fortunate enough to be designated as one of the pilot project States to receive an appropriation for the program in the 1992 appropriation bill. I think that the WRP Program is one of the most beneficial conservation and environmental programs in years. I have no doubt that the results of the 1992 program sign-up will show outstanding benefits. I sincerely hope that the Congress will see fit to continue this program on a nationwide basis beginning in 1994.

On balance, Mr. Speaker, this is a great bill. I rise in support of it and congratulate my colleagues for their efforts.

Mr. McHUGH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the conference report which is within the limits set by the 1993 budget resolution.

I do so to correct any wrong impressions the public may have about the legitimacy and importance of our Na-

tion's agriculture, food, and rural programs. I speak today not only as a Member of this body, but also as a farmer and someone who has lived my life in rural America.

To listen to those that oppose this legislation, one might think farmers around the country were living high on the hog. That is simply not the case. According to USDA, the price of hogs has fallen during the last decade. In fact, barrows and gilts have fallen by $6.30 per hundredweight. During that same period of time, the price of wheat has fallen by 44 cents a bushel. The price of fluid grade milk has dropped by $1.50 per hundredweight—and manufacturing grade milk has fallen by 30 cents per hundredweight. And the price of corn has dropped by two cents a bushel.

To compound the problems in rural America, during this same period of time, farmers in dozens of States have been faced with numerous natural disasters, and are having greater difficulty obtaining credit with low interest rates.

So, farmers in this country are not living high on the hog, and rural America is not doing all that well either.

But despite all of the negatives, there is something positive to say about our agriculture producers. In the United States, we have the best fed, at the lowest cost, people in the world.

I am proud of what our agricultural producers do for a living—and for our country—that they work hard and are thoughtful stewards of the land. I am also proud of what is going on in rural America—innovations in technologies and education and new approaches to affordable health care.

I strongly urge my colleagues to continue the partnership that the Federal Government has had with rural America by voting in favor of the conference report today.

□ 1440

Mr. MCHUGH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I wanted to join in the accolades that were directed toward the gentleman from Mississippi [Mr. WHITTEN], the chairman of this subcommittee for many years.

This has been a particularly tough year, as has been pointed out in debate. This bill is only $1.5 billion beyond last year's outlay funding. With the growth of entitlements, particularly the growth of the Food Stamp Program during this recession, it shows that this committee has been particularly responsible in the way it has dealt with the departmental programs, and of course they are so important to the future of American agriculture because it is there that we get the increase in productivity and acreage production.

So, Mr. Speaker, at this point I will be revising and extending my remarks in some depth on a number of programs, and, once again, I congratulate this committee for the outstanding job it did within the limited resources it had.

Mr. Speaker, I rise in support of the conference report. I want to congratulate Chairman WHITTEN, the gentleman from New York [Mr. MCHUGH], the members of the subcommittee, and the subcommittee staff for their efforts to bring this conference report to the floor. This conference report represents the first of 13 appropriations bills that we will consider in the coming months. If this conference report is representative of those to follow, then we can take pride in the accomplishments of the appropriations process and of the Appropriations Committee.

The conference report on H.R. 5487 is an excellent bill that provides funding for many critical programs in the U.S. Department of Agriculture. The conference committee was able to meet many of the demands on the agriculture budget despite tight funding levels. The result is a well-balanced and fair bill.

In particular, I want to highlight certain provisions of the bill which benefit agriculture in northern California. The conference report on H.R. 5487 provides the final installment of Federal funding, $582,000, for the construction of the grape importation and clean stock facility at University of California-Davis [UC-Davis]. The grape importation facility will play a major part in the industry's effort to recover from the phylloxera problem, which threatens 80 percent of the grapevines in Napa and Sonoma Counties.

The new facility will enable California wineries to bring new stock in from Europe, ensure that it is clean and enable more rapid replacement of vines. However, the facility has broad implications for the entire domestic industry and will significantly increase the volume of rootstock that is brought into the country. The importance of this new facility is highlighted by the broad-based support it has enjoyed from throughout the country.

Additionally, the conference report provides $178,000 to continue planning for the pest containment and quarantine facilities also associated with the University of California. These facilities are badly needed to improve research into pests, such as the white fly and africanized bee, many of which have already taken a significant toll on agriculture. There is currently no similar facility in the United States. The new facilities at UC-Riverside and UC-Davis will take integrated pest management research to the next level.

Rural technology assistance programs will receive $1 million of support under the conference agreement. This assistance is used to support rural technology centers throughout the country which, in turn, conduct research, training, and education activities to promote rural cooperative development in areas such as housing, telecommunications, health care, education, and employment. It is my hope and indeed, the conferees intent, that California will expand its role in this area, particularly through the Center for Cooperatives at UC-Davis.

Mr. Speaker, I want to take a moment to discuss the bill's treatment of the Market Promotion Program. The Market Promotion Program [MPP] has come under attack this year for being corporate welfare. I believe that this perception is simply a misunderstanding of how the program works. Over 84 percent of MPP participants are small businesses. And, individual growers have benefited tremendously from the assistance that the MPP has provided in promoting American agricultural products throughout the world.

American agricultural exports account for about $40 billion in annual sales. Agriculture provides a positive balance of payments in the U.S. trade account of approximately $17 billion. Future growth in U.S. agriculture will depend on export growth. Expansion of agricultural exports is critical for related sectors of the economy. Each U.S. dollar of agricultural exports generates an additional $1.59 in economic growth. Every $1 billion in agricultural exports maintains 27,000 jobs.

Efforts that are being undertaken to eliminate MPP funding could seriously jeopardize the enormous gains in foreign markets that have been achieved since the inception of this program. Unfortunately, I do not believe that opponents of MPP fully understand how the program works. I am hopeful that we can educate people as to the benefits of the MPP, and that we can continue this valuable program in the future.

To its credit, the conference committee has provided $147 million for the program with instructions for the Department to review its operation of the MPP. I believe that this review process will bear out the fact that there is very little, if any, abuse of this program, and that it is very effective in opening markets overseas and creating jobs here at home.

Finally, Mr. Speaker, I want to congratulate the committee for their strong support of the Special Supplemental Food Program for Women, Infants, and Children [WIC]. This year, the committee increased WIC funding $260 million for a total of $2.86 billion. WIC provides critical nutrition and health benefits to low-income pregnant women and young children. These benefits reduce infant mortality, avert low weight births, and help ensure that our Nation's needy children can learn in school and reach their full potential. And, WIC saves money. Each dollar invested in WIC's prenatal component saved between $1.77 and $3.13 in Medicaid costs.

Overall, Mr. Speaker, this conference report is a good effort. It continues support for our domestic agriculture industry. It funds many programs and projects that are important to California, my district, and the country as a whole. I urge my colleagues to give it their support.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the farmer from Texas, the gentleman from Texas [Mr. ARMEY]. I could be stretching the point.

Mr. ARMEY. Let me say, Mr. Speaker, I was bitterly disappointed to find out that the conference returned to us a bill that included some 145 or so million dollars for the Market Promotion Program. If ever there has been a program in the history of American agriculture policy that should be more an embarrassment to the advocates of American agriculture policy, it is this one.

This provision does nothing for small American farmers. This provision does nothing to guarantee American consumers a stable, inexpensive food supply. This provision allows us to fund overseas advertising for large agribusiness corporations, even retailing. They have provisions here, and the way they have allocated this money for McDonald's Corp., it is to advertise Chicken McNuggets in Asia.

Now tell me how that helps the small struggling American farmer.

Hershey Corp., which prides itself in having built this wonderful American success story without ever spending a dime on advertising domestically is dipping into the market promotion fund to advertise abroad. Would they do that without these free bucks from the Government? I doubt it. I imagine they would follow the same practices internationally that they did domestically.

Paul Newman of "Hustler" fame got $40,000 to advertise his salad dressing abroad. Now come on. Paul Newman can afford to advertise his salad dressings without the help of the Federal Government.

Clearly, Mr. Speaker, the committee and the Senate committee have decided they do not mind the public seeing this big, fat, ugly, obnoxious wart in the middle of American farm policy. But insofar as anybody can vote for a bill that takes our money for this purpose, given our deficits, do not ever come to the floor again and try to tell me we need a farm program to ensure a stable, safe, cheap food supply for the American consumers or to help the small family farm.

"I'm sorry," I say to my colleagues, "but if you continue to fund the market promotion plan as you do, you've broken your cover. This is just a big pork barrel for all the porkies that try to get into Uncle Sam's pocket. I think you ought to be embarrassed about it and get rid of it."

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, it is very easy to be critical with quips and humorous allusions about the MPP Program, but I think the most important thing for us to focus on is that it fills a very real, GATT-acceptable need in export promotion for value-added agricultural products.

The first thing I think most of us do not understand is that the European Community, a major agricultural competitor in the international market, is spending $1.5 billion in direct promotional and advertising revenue. We are talking about spending something close to $150 million as a result of the efforts of this subcommittee. It is just a very minor contribution to the kind of international competiton that we face in agriculture, and of course this is one of the most productive areas of our export economy. We have a $40 billion annual export sale from agriculture. We have a net balance of payment of $17 billion on the plus side in this area of our economy, and, frankly, it is one of those areas where we get tremendous income for American workers as a result of the efforts that we make.

The gentleman from Texas [Mr. ARMEY] was mentioning the efforts of the McDonald's Corp. and others who have started stores to sell their products in Asia. McDonald's, for example, has 59 outlets in Hong Kong and 42 in Singapore. The $12 million in sales of American chicken to those facilities in those two countries have created 3,780 jobs in the United States in 1991.

People also need to realize that these dollars do not flow without a matching amount of funds from businesses, large and small, whether they are a small businessman, like the actor that was mentioned earlier, Paul Newman, who, by the way, gives his profits to charity, or whether or not they are a large cooperative or corporation promoting agricultural sales overseas. They have to match dollar for dollar the funds in the program that is established within USDA.

Now the committee has understood some of the criticisms that were leveled at this program when the agricultural appropriations bill was on the floor several months ago. The report language, which I think has been alluded to, goes a long way to requesting a review of the program through the Department with its participants, and I am convinced that by the early part of next year those problems that have been identified around the margins can be eliminated and the program can be increasingly effective at promotion of value-added agricultural products, including, I might add, branded name products. It is so important that we not simply promote generically and then lose the advantages of that advertising and marketing revenue for American producers by simply increasing consumption of a product that may well have been produced in some other country. We have to be pragmatic and practical about promotion of American agricultural products.

I believe this committee has been very supportive, as well as they could have been given the other stresses and strains that are imposed on this bill this year, and I will be extending my remarks in the RECORD so that we may have even more evidence as to the value of this very important program for American agriculture.

Mr. Speaker, let me include the comments of the Secretary in support of this program.

DEPARTMENT OF AGRICULTURE,
Washington, DC, June 23, 1992.

Hon. VIC FAZIO,
House of Representatives,
Washington, DC.

DEAR VIC: I would like to take this opportunity to urge strongly that Congress continue funding for the Market Promotion Program (MPP) at the $200-million level provided in the President's FY 1993 budget. All the statistics we have about U.S. agricultural exports and all the current trends in global agricultural trade suggest that a cut in funding for the Department (USDA) Market Promotion Program at this time would be short-sighted.

High-value products constitute the fastest-growing component of the world's agricultural trade and by the end of this century are expected to represent at least three-quarters of world trade. In other words, the high-value market is where future growth will be for U.S. farmers and exporters. More than 80 percent of MPP funding is targeted toward building exports of high-value products.

If Congress were to reduce funding for the MPP now, it would seriously jeopardize the ability of U.S. agriculture to compete in this vibrant sector of world trade. The European Community (EC), our main competitor in the high-value market, paid out direct subsidies of nearly $1.5 billion to producers and exporters of high-value products in 1990. In addition, the EC and member governments also offered their exporters many other indirect subsidies. USDA's $200-million annual program level for MPP pales by comparison, but it has been sufficient up until now to help U.S. farmers and exporters boost their exports of high-value products. Such exports have risen 75 percent since 1985, reaching a record-high $19.9 billion in 1991, with another record forecast this year.

The MPP also helps support the creative market expansion work conducted by bulk commodity producer organizations to convince potential customers of the quality attributes, new uses, and superior advantages of U.S. farm products.

U.S. agricultural exports generated as a result of the MPP are directly responsible for as many as 38,000 jobs on and off America's farms and represent as much as $2.23 billion in additional activity for the U.S. economy.

The MPP has had its critics however, and I would like to address some of the main points of controversy surrounding the program.

Some have claimed the MPP has not really worked to help small exporters. This is not true, however. Small businesses accounted for 84 percent of the 287 firms participating in the MPP last year. The goal of the MPP is to increase agricultural exports as much and as effectively as possible. Thus, neither the law nor USDA discriminates by size of company or type of ownership.

Some critics believe the U.S. Government has no business promoting branded products. The MPP however, promotes American food and farm products, not American companies. It is a fact of life that, if we are going to promote high-value-product sales, we are going to have to promote branded products. Two-thirds of the world's high-value-products trade consists of processed items; virtually all of these are produced by branded companies.

An exclusive focus on unbranded activities runs the risk that generic demand can be met by a non-U.S. supplier with a less expensive, lower quality product. For high-value commodities, U.S. taxpayers may get a better return on their investment with branded promotions which build consumer loyalty to a product containing American rather than foreign commodities.

Others have asserted that tighter management controls by USDA would allow the MPP to be operated with less money. In reality, both USDA and participants have a

vested interest in running the MPP as efficiently as possible because both have substantial sums of money invested.

The Department takes its role as guardian of the taxpayers' money very seriously. In the last year, we have put in place new allocation criteria that targets MPP funds so as to receive the "biggest bang for the buck." We are not renewing programs that have proven not to be cost effective or that have reached a plateau. We require all participants to submit comprehensive strategic marketing plans and to evaluate the effectiveness of every promotional activity. All participants are subject to full, top-to-bottom audits. Finally, we have published detailed regulations to which all participants must adhere and made other substantial changes to tighten management controls.

MPP participants also have a stake in efficient program management since they are required to invest their own money in MPP projects. In the case of branded promotions, participants are required to put up at least half of the cost of the MPP activity.

I appreciate this opportunity to set the record straight on what the MPP really means to U.S. agriculture and U.S. business. Once again, I urge that Congress maintain its commitment to expanding U.S. agricultural exports by supporting the currently authorized $200 million program level for MPP.

Sincerely,

EDWARD MADIGAN,
Secretary.

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.

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CONFERENCE REPORT ON H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I am sure that the conferees on both sides of the aisle worked hard on this report which they have brought back to us. But in addition to the criticisms voiced by my colleagues, the gentleman from Indiana [Mr. BURTON] and the gentleman from Texas [Mr. ARMEY], many of which I believe are legitimate, I must add one more criticism of this agricultural appropriations conference report. I refer to that part of the bill which is really a piece of our foreign aid program, although it is included in the agriculture bill, and that is the so-called Food for Peace Program.

Several of my colleagues and I, when this bill was on the floor, attempted to point out that while the original purpose of the Food for Peace Program was noble, and humane, and good—that is, supplying food for those abroad that faced starvation, and hunger, and famine—that a good part of that program, that part in title I of this bill, now does not help those who are starving abroad but mainly has been used to dump food on recipient nations' economies with the result that Korean farmers were put out of business in the sixties, Somalia farmers were put out of business in the seventies, and El Salvadoran farmers were put of out business in the eighties.

In other words, it has not developed the local farm economies at all; it has served to destroy them. Therefore, I proposed an amendment to slash $242 million from this wasteful part of the program.

Many of my colleagues got up and said, well, your criticisms are legitimate, but let us not go too fast. So a substitute was offered that only cut $25 million. This passed this House by a vote of 410 to 4. This House went on record.

Then we went to conference. What do we have coming back? The $25 million has been restored, right back where we started. It is true that the Senate would have added even more, but basically there is no change in the program.

Mr. Speaker, I would say that is another reason to vote no on this conference report, so that we can send a message and start building a foreign aid program that deserves the support of the American people.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, today I rise in strong support of H.R. 5487, the Agriculture and related agencies appropriations conference report for fiscal year 1993. I commend the House Agriculture Appropriations Subcommittee and its distinguished chairman, Mr. WHITTEN, for producing a fiscally responsible bill. The gentleman from Mississippi [Mr. WHITTEN] and the subcommittee he chairs also deserves recognition for bringing this conference report to the House floor in an expeditious manner.

While this important legislation contains many fine provisions, I would like to bring to my colleagues' attention one particular provision that is extremely important to the environment of my home State of Florida. The proposal to which I refer is an increase in the budget for the Aquatic Plant Management Laboratory in Davie, FL, for Melaleuca control research. Earlier this year, I appeared before Mr. WHITTEN's subcommittee urging that more attention be given to controlling this noxious weed. I am pleased that a provision was included in the conference report stating that:

> The Committee will expect the Department [of Agriculture] to devote the necessary resources to Melaleuca control research at the Aquatic Plant Management Laboratory.

As some 800,000 acres in the south Florida area are already infested with Melaleuca, having the USDA commit additional resources will be welcome indeed. I look forward to seeing what steps the USDA takes to address this problem, which is literally growing bigger every day.

Mr. Speaker, H.R. 5487 is a fine piece of legislation, and I urge my colleagues to pass this needed bill.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], a distinguished member of our subcommittee.

Mr. DURBIN. Mr. Speaker, I would like to salute the chairman of the subcommittee, the gentleman from Mississippi [Mr. WHITTEN], as well as the gentleman from Indiana [Mr. MYERS], and also my colleague, the gentleman from New York [Mr. MCHUGH], who will be retiring at the end of this session, for what I consider to be an excellent effort in producing this conference committee report.

My colleague, the gentleman from Texas [Mr. ARMEY], addressed the Market Promotion Program earlier. I would like to say, to the surprise of the gentleman, I agree with him in many respects.

I have worked in the past for additional funding to the targeted Export Assistance Program as well as the Market Promotion Program, and yet I agree with him that there have been things done in this program that do not reflect well on the U.S. Department of Agriculture. That is the reason why the House committee reduced the amount of money for this program from $200 million to $75 million.

Our friends in the Senate prevailed on us to restore that money to a level of $150 million. I would say to my friend from Texas, that is still a 25-percent cut. And we put clear language in the bill that we expect the administrators of this program to take very seriously our admonition to work for value-added products, to make certain that the products that we are supporting are predominantly American grown and manufactured, and also to try to concentrate on small- and medium-sized and new-to-export firms.

We are looking for job creation and enhancing the ag sector.

Let us put this in perspective for my friend, the economist from Texas.

We have $42 billion in ag exports each year from the United States. The amount of money we are putting in the Market Promotion Program, our Government effort at promoting ag exports, comes to less than one-third of 1 percent of the total of our exports. That money must be spent wisely.

I agree with the gentleman completely: The administrators of the program must be put on notice to do so. But let us not abandon this very valuable program. Let us make it better. I think this conference report does just that.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute to make an ob-

servation and say first, this is a very good conference report. It certainly is not the first choice of any of the members of this subcommittee or anyone else. If we were able to fashion an appropriation bill for agriculture and its related agencies, we would do a much different job than we have. But as has been stated by many, the entitlements, if nothing else, have forced us into a corner, and second, we just have not had enough money this year to fund some of the research, particularly in agriculture and alternate sources for agricultural products which would enhance and help encourage the use of agricultural products elsewhere throughout the world. But we are not privileged to have this opportunity to do it this year. So every appropriation bill has been very tight.

I particularly want to thank our committee chairman, the gentleman from Mississippi [Mr. WHITTEN]. This year has been a very difficult year for the gentleman. Earlier in the year the gentleman was hospitalized and we did not get started as early. But as soon as we were able to, we got started, and the gentleman from New York [Mr. MCHUGH] who took over, ran the hearings. I thank both of them for the very fine job that both of them have done, and of course the fine staff that we have always had.

It has been a very difficult year for all the subcommittees, but particularly this committee, with the gentleman from Mississippi [Mr. WHITTEN] being somewhat under the weather early in the session, it was difficult year. But we have come out with a very good product which deserves the support of everyone here.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just want to make one comment. This is $1.64 billion above the House-passed bill. It has come back from the conference committee with $1.64 billion in it. For that reasons I will be asking for a rollcall vote on this.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of the conference report, and in support of the recommended funding for the Market Promotion Program.

We hear a great deal about getting tough on unfair trade practices in this Chamber, but the MPP is one of the few truly effective methods of doing that.

The Market Promotion Program develops new markets for American farm products, and increases agricultural exports. The $200 million we spent on MPP last year generated more than $400 million in foreign sales. This program is doing something concrete to reduce our trade deficit.

MPP funds are used primarily to promote commodities that face unfair trade barriers in overseas markets. These promotion programs have increased sales of U.S. commodities dramatically. In Japan, for example, MPP has helped increase sales of American-grown walnuts by 201 percent. Export sales of U.S. table grapes have risen $142 million with 8 million dollars' worth of MPP assistance. That is an 18 to 1 return on investment.

Every $1 of MPP funding generates 2 to 7 dollars' worth of sales of American commodities. The USDA estimates that MPP-generated sales have created between 11,000 and 28,000 American jobs.

Moreover, this program is targeted at nations who are subsidizing their own growers, such as the European Community. MPP helps level the playing field for American growers, who do not receive such subsidies.

Let us preserve a program that is increasing American exports in markets like Japan and Europe and adopt this conference report today.

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Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to our colleague on the Committee on Appropriations, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman from Indiana for yielding time to me.

I simply want to rise to express my deep appreciation to the chairman and to the leadership on our side relative to this agricultural appropriations report. It is a tough bill. They have gone through a very difficult process in dealing with the Senate, but overall, I think they have done a very, very fine job.

I would like to also associate myself with the remarks of my colleague from California who just preceded me.

Mr. Speaker, less than 2 months ago, the President of Russia, Boris Yeltsin, stood in this very chamber.

He announced that his country was open for business—American business.

His presence before a joint session of Congress symbolized the incredible changes that have swept the globe over the last few years.

And we're talking about changes which have greatly increased the opportunities for American companies, opportunities to market their products in foreign lands.

So, we find ourselves in the position to reap benefits from the billions and billions of dollars which we invested to win the cold war.

However, we're faced in our own country with a proposal to slash funding for a program that produces $7 for each $1 we invest.

Where I come from, we call that penny-wise and pound foolish.

I understand the desire of my colleagues to find places to cut the budget—to help reduce our deficit.

But, it doesn't make sense to put ourselves at a competitive disadvantage with the European Community, with Japan, and with other countries, whose governments actively and aggressively promote their products and businesses.

It's time we recognized that U.S. producers cannot compete fairly against foreign producers, not when foreign producers are financially backed by foreign treasuries.

To overcome this disadvantage, we need a private-public partnership such as the Market Promotion Program.

There are those who claim that this program is nothing more than corporate welfare.

Since when is promoting American products, American jobs, and American workers called welfare?

I, for one, don't see how a program which seeks to level the international playing field can be called welfare.

I don't see how a program that returns $7 for every $1 can be called welfare.

This program, the MPP, accounts for only 1 percent of Federal farm support income programs, and MPP is not considered a subsidy under the proposed General Agreement on Tariffs and Trade.

Already, more than $1 billion of additional agricultural exports from American farmers have been generated annually through MPP funding.

And so, Mr. Speaker, I urge my colleagues not to resort to the sort of knee-jerk business-bashing that hinders America's competitive standing.

I ask my colleagues not to use this program as a scapegoat for our fiscal problems.

I ask my colleagues not to put American businesses at a competitive disadvantage with companies in other nations.

A Russian President has proclaimed his nation open for business.

Under the guise of saving the taxpayers a few million dollars, let's not cost America's businesses billions of dollars in sales.

Under the guise of getting tough on corporation welfare, let's not put 38,000 Americans out of work and on the unemployment compensation rolls.

Mr. MCHUGH. Mr. Speaker, may I inquire how much time is left?

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from New York [Mr. MCHUGH] has no time remaining, and the gentleman from Indiana [Mr. MYERS] has 4 minutes remaining.

Mr. MYERS of Indiana. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. MCHUGH], for the purpose of controlling that time.

The SPEAKER pro tempore. Without objection, the gentleman from New York [Mr. MCHUGH] may control the time.

There was no objection.

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

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for many years I have been trying to get cuts in what was originally the TEA program and is now the MPP program. It seems to me,

however worthy the program is, and I wonder about it in a time of runaway budget deficits, should the Federal Government be subsidizing already huge advertising budgets of corporations like General Mills, McDonald's, Sunkist, and Oscar Meyer? Should the American public be shelling out money to advertise brand names like M&M's, Gallo Wines, and Paul Newman Salad Dressing at a time when we are cutting thing after thing?

I rose on the floor a few weeks ago to praise my colleagues in the House, and I know they waged a valiant fight. The chairman of the committee, the gentleman from Mississippi [Mr. WHITTEN] has long seen the folly of this program, and the House bill had a cut from $200 million to $75 million.

Unfortunately, in the Senate bill it is up to $147 million; a $50 million cut is too little.

I am very disappointed in the level of funding of the MPP.

Mr. MCHUGH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Speaker, I rise in strong support of the conference report and also in strong support of the MPP, which has received some criticism on the floor today.

I think we need to understand what the original intent of this program was. And that was to attack unfair barriers to trade.

There's been some talk about how this program does not benefit the small farmer. I can tell my colleagues that is false. The California avocado growers who receive money from this program average about 20 acres in size. The average almond grower is 40 acres in size. The average citrus grower is 40 acres, and the average kiwi fruit grower is 11 acres.

This small farmer would have no way to impact and have an impact on expanding trade opportunities unless they had access to a program such as the MPP.

The MPP Program has been a tremendous success in expanding market opportunities for growers that have no other assistance from our Federal Government. This is a program that has a proven record of success. It is not a program that is perfect. It has some room for improvement.

I am pleased that the conference report has provided provisions that will allow us to look into these areas in which we can make improvements upon them.

Mr. CONDIT. Mr. Speaker, I rise today to applaud the efforts of the Senate Appropriations Committee and the conference committee to restore approximately $75 million in funding for the Market Promotion Program in H.R. 5487. Despite efforts by some Members of this body, the conference committee saw the value and merits of the Market Promotion Program. I fail to see the justification for the constant badgering of a program that gives so much to the taxpayer, the farming community, and aids in reducing our trade deficit. I agree that there have been problems with the management of the program by USDA. This, however, does not justify the elimination of a program that provides the United States so much.

When we debated the merits of the Market Promotion Program in June, I explained to the Members of this body that the House Agriculture Committee had instituted management controls for the MPP during the 1990 farm bill reauthorization.

Guidelines included:

Marketing plans that describe advertising or other market oriented export promotion activities.

USDA was instructed to describe the manner in which assistance received by the eligible trade organization in conjunction with funds and services provided by the eligible trade organization will be expanded in implementing the marketing plan.

Establish market goals to be achieved as a result of the Marketing Promotion Program.

Also, the Secretary has been instructed to terminate any assistance made or to be made available if he determines that a trade organization is not:

Adhering to the terms or conditions of the program.

Not adequately implementing approved marketing plan or not adequately meeting the established goals of the Marketing Promotion Program.

And not adequately contributing its own resources to the Market Promotion Program.

In addition, the Agriculture Committee has directed the Secretary to monitor expenditures of funds received under the Market Promotion Program including:

Evaluating the effectiveness of the program in developing or maintaining markets for U.S. agriculture commodities.

Evaluate whether assistance provided is necessary to maintain such markets.

A thorough accounting of the expenditure of MPP funds by the trade organization.

The Agriculture Committee also set limitations on the Market Promotion Program assistance that will not exceed 50 percent of the cost in implementing the marketing plan.

These program controls are now being implemented along with recommendations by the General Accounting Office. I would also like to concur with and strongly support the conferees' recommendation that the Market Promotion Program focus its resources on the promotion of value-added agricultural exports. It is this sensible reasoning by Members of Congress who understand the positive effects agriculture exports provide the U.S. economy that I plan to stand by.

I have additional comments to include for the record that I hope Members will look at seriously and discover why this program is so vital to American agriculture.

Agricultural exports account for production on about 1 in 3 acres in the United States and account for about $40 billion in sales. Agriculture provides a positive balance of payments in the U.S. trade account of approximately $17 billion. When exports were growing the United States was able to bring productive acreage back into use. However, when export growth slowed, it became necessary to take acreage out of production in order to limit buildup of large price-depressing inventories and Government outlays.

Future growth in U.S. agriculture depends on export expansion. Since U.S. population growth is projected at a rate less than the growth in agricultural productivity, we will continue to face the need to take resources out of production if a growing commercial export market is not available. The expansion of agricultural exports is critical for related sectors of the U.S. economy. Each dollar of agricultural exports generates an additional $1.59 in supporting economic growth in related sectors. Every $1 billion in agricultural exports maintains 27,000 jobs.

The performance of an industry is measured by its market share and U.S. agriculture has been losing ground in the bulk and value-added markets. World trade in bulk agriculture commodities has averaged around $70 to $75 billion for the last 10 years, about $10 billion below the 1980–81 peak. However, during this period the U.S. share has declined from 35 percent to 29 percent.

World trade in value-added agricultural commodities during the last 10 years has gone from around $94 billion to nearly $140 billion. However, our market share declined through the first half of the 1980's and has only recently rebounded to the levels a decade ago. In fact, the rebound in market share of both bulk and value-added commodities is a direct result of the changes in U.S. agricultural and trade policies that have been put into effect since 1985.

Reversing the decline in the market share would have been far more difficult without the MPP, which has allowed U.S. agriculture to aggressively promote its products in international markets. The reality is that the United States has a one-third share of a world bulk trade market that has declined in value. At the same time it has been unable to expand its share of the world value-added market which has grown by nearly 50 percent over the last 10 years and now represents two-thirds of total world agriculture products.

To be successful in the export market, two things are required. First, the industry must be economically competitive, and we are. Second, the policies and programs must also be competitive, and this is where we fail. The level of internal government support is well below that of our major competitor the European Community. In terms of budget expenditures for agricultural support, U.S. farmers are currently receiving only one-third of the over $30 billion level of direct support enjoyed by farmers within the European Economic Community [EEC]. This does not include the implicit subsidy that consumers in the EEC pay as a result of policies to keep domestic prices well above world price levels. To move excess productions created by such high internal prices, the EEC in turn uses $9 to $10 billion of their expenditures to subsidize exports. This is about five times that of the United States.

Since 1985, U.S. agricultural policy has moved toward a more market oriented system with less Government price support, more assistance to meet the competition in the export market, and expanded promotion assistance to help open markets. Three major programs were implemented including: First, Marketing

Loan Program; second, Export Enhancement Program [EEP]; and third, Market Promotion Program [MPP]. Each of these had a specific purpose.

The Marketing Loan Program was a way in which price competition could be met for those commodities priced out of the international market because of our internal price supports. The EEP was designed to directly meet the export subsidies of the EEC for those commodities facing direct subsidies by our competitors.

The Market Promotion Program [MPP] was designed to assist in the promotion of U.S. agricultural products, both bulk, and value added. While marketing loans and EEP help penetrate the market from the outside, the MPP was designed to penetrate from the inside. By making foreign consumers aware of the quality and competitive price of U.S. food and agricultural products, exporters could penetrate markets where barriers have been difficult to break down.

With continued reductions in U.S. Government price and income supports and the growing impediments to trade imposed by foreign governments, the MPP has taken on added importance. The program is a cost-sharing partnership between the U.S. Government and the private sector to help expand export markets for U.S. agricultural commodities and provide for increased sales and farm income.

Based on the Dunkel text of a GATT proposal presently on the table, the MPP would be considered nontrade distortive, or in the so-called green box of acceptable policies. A successful GATT agreement from the U.S. perspective will be based on convincing the rest of the world, particularly the EEC, that the United States is serious and has the political resolve to establish its position in world trade. The world reacts to what the United States does, not what it says.

Any retrenchment in support for major export initiatives that were put in place to demonstrate U.S. determination regarding agricultural trade reform will be interpreted as a weakening in political support. A reduction in financial support for MPP would be a clear signal to the EEC, and others that their best strategy would be to prolong the negotiations and wait for further erosion in the U.S. position.

It doesn't matter if you are a large company or a small company, participating in international trade in food and agriculture is a risky business particularly when the competition is generally set by government policy rather than comparative advantage. By providing assistance through promotion of U.S. agricultural production, we do two things. First, we help make it less risky for companies to move into new markets more quickly than perhaps they would otherwise and, second, we tie them to using U.S. agricultural production as opposed to foreign sourcing.

How does MPP work? The MPP is a cost-sharing program in partnership with the private sector. The Foreign Agricultural Service [FAS] of USDA provides cost-share assistance to eligible trade organizations for promotion activities which can take on various forms such as advertising, in-store promotions, or foreign market research. The current present funding level is $200 million, or about one-half of 1 percent of the value of U.S. agricultural exports, and only 2 percent of the export subsidies the EEC provides its agricultural sector.

Is branded promotion necessary? Yes; branded promotion works well as part of the overall market promotion program. When brands are promoted that represent value added U.S. agricultural production, the benefits are tied directly back to expanded sales of U.S. produced commodities. In addition, teaming up with companies and brands that contain U.S. source production as the primary ingredient ties the company closer to U.S. production as their raw materials source. This serves as a deterrent to countries always looking to switch to competitive sources on the slightest price shift.

Then why have generic promotion? Branded and generic promotions go hand in hand. U.S. agriculture has a good story to tell about the quality and price of U.S. farm products. Promoting this through generic efforts educates consumers about the quality and availability of abundant and reasonably priced U.S. foods. Many of these items may be unavailable to them because of various foreign government interventions. Thus, branded and generic promotion complement each other and provide U.S. taxpayers and U.S. agriculture with a effective industry/government partnership. It is an effective partnership which promotes growth in a U.S. industry which has a comparative advantage over the rest of the world, but is unable to exercise that advantage due to trade distortions and restrictions imposed by foreign governments.

Has MPP been successful? By any measure the program has been a success. While it has come under criticism recently in some highly publicized attacks by those who do not believe that government partnership with industry to help penetrate foreign markets through promotion, the facts do not warrant the criticism. Quite the contrary. The facts point to a highly successful program.

USDA's final regulatory impact analysis of MPP indicated that the total increase in U.S. agricultural exports attributable to program funding over the 1986 to 1988 period ranged from $2 to $7 for each dollar of funding. In other words, a $200 million program could result in a net increase in exports of $400 million to $1.4 billion. This level of export would provide 11,000 to 38,000 jobs and generate an additional $636 million to $2.23 billion in related economic activity.

The Market Promotion Program promotes American food and American farm products, not individual company names. Companies and industries put up funds and MPP provides matching funds for certain promotional expenses. It is a fact that for American farmers to compete and win in global markets, we must promote branded products. We must continue the expansion of U.S. agricultural exports or we will fail as the breadbasket of the world.

Mr. CHANDLER. Mr. Speaker, I urge my colleagues to support the Agriculture appropriations conference report. The bill would provide over $60 billion for rural development, food assistance, and the promotion of U.S. exports. These projects are vital to our country and need our support.

Farming is Washington State's leading industry. Washington farmers produce $4.3 billion of agricultural commodities and employ over 120,000 men and women each year. Many programs in this bill are essential to Washington farm communities.

For example, exports are key to agriculture's success. Yet trade barriers and structural impediments discriminate against American farmers. The Market Promotion Program shares the cost of promoting U.S. agricultural programs abroad with private U.S. trade companies and organizations. The program emphasizes building markets for U.S. goods in countries where competing exporters engage in unfair trade practices. In an unfair world market, this program is essential for the survival of agriculture in Washington State.

Nine out of ten bushels of Washington wheat are exported, and Washington apples are shipped to 30 countries. These exports help balance America's trade deficit, and sustain agricultural production for domestic consumption. This bill only partly restores funding for the Market Promotion Program. I strongly believe Congress should provide the full $200 million for this essential equalizer. However, the $148 million compromise is a vast improvement over the original, marginal funding.

In addition to export enhancement programs, this bill funds nearly $6 million of research programs in the Northwest. These projects include pesticide research, small fruit, wheat, and crop disease research. These small-dollar initiatives have a big-time impact on Washington farmers. For example, Washington leads the Nation in the production of apples, sweet cherries, hops, pears, concord grapes, and red raspberries. Yet these commodities are classified as minor crops and growers face declining accessibility to safe pesticides. The bill also would provide $187,000 for needed small fruit research programs.

Farmers in southeastern Washington produce more wheat per acre than any other dryland farming area in the country. Whitman County is the top wheat-producing county in the Nation. Yet without this bill's appropriation of $437,000 to research the Russian wheat aphid, wheat farming would be in jeopardy.

This bill is not perfect. Market Promotion Program funding should be increased. But the programs in this bill are too important to delay. I strongly urge my colleagues to pass the Agriculture appropriations conference report.

Mr. McDADE. Mr. Speaker, I am pleased to rise in support of H.R. 5487, the conference report making appropriations for Agriculture and related programs for fiscal year 1993.

This conference report is a fine work product. It represents an excellent job done by my good friend, the distinguished chairman of the full committee and of this subcommittee, the gentleman from Mississippi. The same holds true for my good friend, the gentleman from New Mexico, who is ranking member of the subcommittee, and who has contributed so much of value to the important work of the committee.

Despite the tremendous differences of more than 124 items between the House and Senate, the chairman and the ranking member and all of the dedicated and capable members of the subcommittee have brought back a conference agreement that is fair and balanced. And I am pleased to recommend it.

Mr. Speaker, let me seek special recognition for the many years of intelligent and outstanding service of one of our good friends and colleagues who will be departing at the end of the session. The gentleman from New York, MAT MCHUGH, is truly our most valuable player on the subcommittee. And both he and another very talented and hard-working member, the gentleman from Michigan, our good friend, BOB TRAXLER, will be leaving. Both will be greatly missed, and we all wish them continued success and happiness in their future work.

Mr. Speaker, the specifics of the conference report have already been explained in the usual comprehensive way by the chairman and the ranking member, so I will briefly comment on a few items of importance which are covered in the conference report.

First, I wish to stress the overall importance of the Agriculture and Food and Drug Administration programs to the national economy and well-being of the Nation and to my own home Commonwealth of Pennsylvania which are addressed by this conference report. Over $60 billion is made available in programs which improve the quality and quantity of our Nation's food supply. American agriculture is by far among our most efficient and productive industries, which accounts for more than $40 billion in export trade and value-added products each year.

But of this total of over $60 billion in the conference report, only a little more than $13 billion falls under the classification of controllable domestic discretionary spending. More than 65 percent of the dollars appropriated is directed to mandatory spending programs—$36 billion alone for payments for food stamps and other domestic food assistance programs such as school breakfast, school lunch, and low-income elderly food assistance programs. The largest program under the discretionary category is the WIC Program which at $2,860 billion is an increase of $260 million over 1992.

The direct benefits for the various agricultural and related programs funded in this conference report provide significant advantages to farmers and consumers. For example, Pennsylvania alone will receive about $1.8 billion for agriculture research, farm stabilization, conservation, rural housing and development, and domestic food assistance programs in fiscal year 1993.

As indicated by the gentleman from New Mexico earlier, the discretionary spending levels in the conference report are within the 602(b) budget ceilings. And the administration, while indicating several trouble spots, is not recommending a Presidential veto.

I am deeply appreciative that the spending provided for the Farmers Home Administration Rural Housing Loan Guarantee Program, which I introduced and is now authorized by the National Affordable Housing Act, is maintained at my requested level of $329.5 million. This amount of loan guarantees will assure that at least 7,000 low- and moderate-income families living in rural areas will become homeowners, and as well it will generate thousands of new jobs for the homebuilding industry.

In conclusion, Mr. Speaker, I believe that this conference report does a very good job in setting priorities for agriculture and food and drug safety and is also a fiscally responsible measure which deserves our support. I recommend its approval by this House.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the conference report on H.R. 5487, making appropriations for agriculture, rural development, food safety, and related programs for fiscal year 1993.

This is an extremely important and vital funding bill not only to American agriculture but our whole society. Under this legislation, funding is provided for programs ranging from agricultural research to food stamps to food safety.

I want to commend the conferees for their expeditious consideration of this measure. And I want to particularly commend Chairman WHITTEN and Mr. SKEEN, the ranking minority member, for their leadership of the Subcommittee on Rural Development, Agriculture and Related Agencies.

I am particularly pleased that the conference report provides funding for several agriculture and rural development projects important to south Texas.

I am particularly pleased that the conferees agreed to provide $25 million for improving water services to the impoverished colonias along the border. I also support the Appropriations Committee's request that the President develop a comprehensive action plan for tackling the environmental and health problems associated with the colonias. The funding and the action plan requirement are two big steps in our effort to improve conditions in the colonias.

I would also note that funding is provided for the control of the Mexican fruit fly and the sweetpotato whitefly that have been plaguing south Texas fruit and vegetable growers.

Mr. Speaker, I would have preferred that this conference report include funding for the Wetland Reserve Program authorized under the 1990 Farm Act. I am hopeful that this is only a temporary setback and that eventually Congress will see the wisdom of this program.

Overall, however, I believe this conference report is a solid product that will continue our commitment to our farmers and consumers within the constraints of the budget. I am proud to support its passage.

Mr. TRAXLER. Mr. Speaker, I rise in support of the conference report to accompany H.R. 5487, the Agricultural appropriations bill for fiscal 1993. I offer my compliments to our distinguished chairman, Mr. WHITTEN of Mississippi, Mr. MCHUGH of New York who so ably assisted our chairman, and our ranking minority member, Mr. SKEEN of New Mexico, for bringing forward an agreement that maintains the House position on so many important items, and improves upon the House bill where merited.

Mr. Speaker, this conference agreement represents the best that can be done in a very difficult year. The work done by our members and our outstanding subcommittee's staff deserves the support of the House.

I want to comment on a very few number of specific items to help explain the intentions behind our actions. I am very pleased that we were able to maintain the House levels of funding on the various special research grants in Michigan. These ongoing projects have been most worthwhile, and will for the most part need to be continued beyond fiscal year 1993. These projects have received level funding for a number of years, even though they are faced with escalating costs. Few Federal research projects have level annual funding outside of agriculture.

We did make some reductions in certain construction projects for both the Agricultural Research Service and for the Cooperative State Research Service. Every House and Senate project absorbed a proportionate reduction in order to make room for the many projects. In some cases, these reductions will delay completions. In other cases, it may add an additional year to complete funding. And perhaps, in a limited number, the reductions can be absorbed.

We make one reduction with the Agricultural Research Service for the Poultry Research Center in East Lansing, MI, a reduction from $250,000 to $212,000. This project will need additional funds for planning and design work next year, and the actual construction dollars beyond that. ARS has testified that this is a very needed facility, and that it has been a long time since adequate rehabilitation work has been done. I am hopeful that the agency can include the necessary funds for completing this project in their fiscal year 1994 request.

We also made a reduction of $740,000 in the amount provided for the Food Toxicology Center at Michigan State University. We had been expecting to complete funding for this project this year, and the House-passed amount was based upon the completion cost. This reduction may very well mean that an additional appropriation might have to be provided in fiscal year 1994. But this reduction is based on our overall budget situation, and does not signify any lesser degree of support for this project on the part of the House.

There are a number of research items addressed in the House report ranging from asparagus to the consortium for international Earth sciences information network to taxol, which were either not addressed by the Senate or were not disagreed to by the Senate. Given this situation, the expectation of the committee is that the House report directives stand, and we expect the agencies to comply with those directives.

I want to call particular attention to report language that the conferees approved for the Foreign Agricultural Service. Our report calls upon the agency to consider developing a dry bean marketing demonstration program, including a proposal from the Michigan dry bean industry. Let there be no doubt whatsoever about this language: While it identifies other potential applicants for this program, it in no way requires coordination of an application among potential applicants. Just as the Market Promotion Program has approved numerous sole State applications, the proposal brought forth by the Michigan dry bean industry is equally worthy of consideration. The matter will be pursued in the days to come.

Mr. Speaker, it has been a great pleasure and honor to have been a member of the Subcommittee on Rural Development, Agriculture, and Related Agencies for the past 16 years. I admire and respect immensely the members of this subcommittee, and the staff of this sub-

committee who work so hard for all of us here and throughout the Nation. I will miss these wonderful associations, and I wish everyone the very best for their individual and collective futures.

I urge adoption of the conference report.

Mr. EMERSON. Mr. Speaker, today I rise in strong support of the agriculture, rural development, and related agencies appropriations conference report for fiscal year 1993. I would also like to thank the chairman of the subcommittee, Mr. WHITTEN, and the ranking member, Mr. SKEEN, and also the gentleman from Kentucky [Mr. NATCHER] for their hard work and diligence in preparing such a balanced package within a highly constrained budget.

This legislation represents what has been a long and deliberative process which meets many of today's agricultural needs, but yet reflects much-needed fiscal responsibility. This legislation represents many difficult budget decisions that continue to prove that Agriculture is willing to pull its fair share of the budget reduction load.

Additionally, I am also pleased to note a particular item within this appropriations measure that continues to benefit agricultural producers across the Nation. For several years now, research on the soybean cyst nematode problem has been conducted in my district at the Delta Area Agricultural Research Center in Portageville, MI. This facility is ideally suited to conducting this research, given its extensive work in the past on the problem and the fact that many farmers in the country continue to face a serious cyst nematode problem.

By including this research as a part of the Appropriations package, I believe we will be saving a number of farmers from financial ruin in the long run. As many as 25 million acres of farmland in the United States are contaminated with the cyst nematode, including all major soybean-producing counties in Missouri, along with many other midwest and southern soybean-growing States. It has been estimated that in 1991 the soybean nematode cost our Nation's farmers over $400 million in reduced yields. But because of the work being conducted on this problem, the Federal Government will easily save many times the $359,000 we will spend on soybean cyst nematode research next year.

This measure also includes funding for the Rural Electrification Administration to meet the increasing needs of our Nation's rural electric systems. In the past 10 years, insured REA loan funds have declined substantially despite continued inflation. Though we are not nearly at the level of funding to meet all REA loan needs, rural electric insured loans will continue to address growing rural development demands.

Additionally, H.R. 5487 includes funding for the highly successful, export-producing, market promotion program. Since the inception of this program, U.S. exports of consumer-oriented agricultural products have increased considerably, creating domestic jobs in the production, processing, and distribution sectors of our national economy. These funds have also enabled my home State of Missouri to increase overseas exports of agricultural products, thereby creating needed jobs and economic revenue in many rural Missouri towns and communities.

Likewise, there are many other fine projects and research efforts contained in this bill along with needed funding for the supplemental food program for women, infants, and children and continued funding for other vital domestic food and nutrition programs. I urge my colleagues to show their support for these worthy programs by favorable adoption of this appropriations measure.

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to the conference report but also to express my strong support for the Market Promotion Program [MPP].

Given what we've seen in the media and the numerous "Dear Colleague" letters from my respected colleague from Texas, I suspect several Members on our side of the aisle are wondering why I've risen in defense of a program characterized as corporate welfare and trade subsidies.

They know that I've spent almost 20 years in Congress fighting for free trade and self-determination of nations; and they know that I am a fiscal conservative opposed to wasteful Government spending and subsidies. What they might not realize, however, is that the MPP is one of our best tools for breaking into foreign markets that have been closed to American business by foreign tariffs, subsidies, and nontariff barriers.

As a senior member of the Foreign Affairs Committee, I've worked to ensure that free trade and self-determination remain the foundation of our foreign policy. After the Second World War, we made a strategic decision to create a global economy based on free trade. We did this because we know that the United States could not long survive—and certainly not prosper—in a world that was not free.

In the short term, our policies have required tremendous sacrifices from the American people. We opened our markets to the world while we tolerated a degree of protectionism in the new European democracies. Despite the financial burdens, the lost jobs and markets for our products, we knew that it was in the best interest of the United States. And we were right.

Today, we are the strongest economic power in the world, and we have a global economy that is characterized, first and foremost, by free trade.

However, there is one notable exception to this success story. Agriculture. World agricultural trade is marked by massive Government subsidies, high tariffs, and the most pervasive nontariff barriers imaginable. Foreign governments protect and vigorously pursue markets with government handouts and intervention.

The rules of the market as we know them do not apply. Despite the fact that American farmers and farmer cooperatives produce superior products at lower prices, they cannot compete with foreign governments.

Given this situation we have two basic policy options; each with its own set of consequences.

The first—which my friend from Texas is asking you to choose—is to do nothing. Yet by doing nothing, we are resigning ourselves, and our farmers, to failure. We will write off an entire sector of the global economy to protectionism. And we will send a message from Tokyo to Brussels that it's OK to lock up entire markets with trade barriers and subsidies.

The second, is to remain true to the principle of free trade and support policies which tear down barriers and combat production subsidies. As I see it, the real question is not if we should open foreign markets to American farmers, but how we should do it.

One option is to dump billions of dollars into production subsidies like the Europeans and most other countries so that our growers can compete on price alone. This floods world markets with commodities, drives down prices, destroys grower returns, and wastes billions of taxpayers' dollars.

Another option is the MPP. This program allows American farmers to penetrate foreign markets by creating a demand for U.S. products abroad. The MPP provides farmer cooperatives and companies with financial incentives to undertake long term market development initiatives.

MPP marketing strategies are designed to create demands for specific U.S. products and commodities, like Sunkist oranges or American cotton. This aspect of the program is critical because it allows consumers to distinguish between American products and those from other countries. This is the only way U.S. growers can compete against subsidized crops on the basis of quality.

By increasing consumer demand, the MPP allows for increased production and grower returns. The MPP represents a fraction of what this country spends on program crop subsidies, yet it realizes billions of dollars in foreign agricultural sales and thousands of U.S. jobs.

When compared to the more traditional agricultural polices, the MPP has enjoyed considerable success in opening foreign markets during its short lifetime.

Agricultural trade represents 20 percent of the global economy, and—given a level playing field—our farmers and farmer cooperatives are the most competitive in the world. We should not turn our backs to this type of trade, and I strongly urge my colleagues to oppose further cuts or restrictions on the program.

Mr. AUCOIN. Mr. Speaker, I rise in support of this conference report. As we consider fiscal year 1993 appropriations for Agriculture, rural development, and the FDA, we also are appropriating funds for basic and applied agriculture research in various fields which include livestock, plant sciences, and nutrition. Agriculture is a key component of Oregon's economy and way of life. In Oregon we have 37,000 farms that produce more than 170 commodities. This bill provides loans which are vital to our farmers because they face recession and the sixth year of drought. I also support the conference report for the programs vital to feeding our children, the elderly, and low-income people. Programs such as WIC and TEFAP are more important than ever as we strive to eradicate hunger in this country.

I would like to thank the conferees for continuing to fund programs which are especially important to Oregon. The bill continues to support research on eastern filbert blight, small fruits research, Russian wheat aphid, soil erosion, and water quality, and marketing and varietal development of potatoes.

I am especially pleased the conferees maintained a couple of the Senate provisions that

the House was unable to include in the House bill. In my district, funds to construct a new seafood research laboratory in Astoria, OR, will be provided. And critical nutrition research is also recognized in the Senate report.

The original seafood lab, built in 1940 and operated by Oregon State University, has helped the Northwest seafood industry become one of the most productive and important in the world. But the current facility is inadequate to meet the demands of this dynamic industry. The new lab has the strong support of State and local governments, the community of Astoria, and private investment. The lab will be part of a larger complex, the Seafood Consumer Research and Education Center, which involves numerous activities in seafood including research, education, training, marketing, information and promotion of seafood.

Mr. Speaker, this is an outstanding proposal that will greatly benefit the seafood industry and Astoria. I would like to thank my colleagues who served as conferees on this bill for agreeing to provide a total of $2,151,000 for construction and initial operating costs.

In addition, Mr. Speaker, I am also very pleased the conferees have in effect accepted language included in the Senate report which urges the Department of Agriculture to work with the Oregon Health Sciences University to continue important calcium nutrition research. Researchers at OHSU have pioneered the identification of protective effects of dietary calcium and its impact on cardiovascular disease including high blood pressure, stroke, diabetes, reduction in premature birth rates, and low birth weight babies. Last year our colleagues in the Senate recognized the vital role that this research plays in today's medical science. As a result, current but temporary funding by USDA has allowed the Institute for Nutrition and Cardiovascular Research at Oregon Health Sciences University to continue its efforts designed to improve health and reduce the health care budget of this country.

Research focusing on the benefits of calcium continues to receive congressional support because of its critical contributions to the future financial integrity of the dairy industry as well as laying the foundation for low-cost strategies to promote health and reduce disease. Thus, continued funding for this research is imperative in our Nation's health agenda. It has implications for programs including WIC, the school lunch program, dairy price supports, and dietary guidelines. I fully expect the Department to continue assistance for this important program.

Mr. DORGAN of North Dakota. Mr. Speaker, the conferees on this bill have provided specific directions to the Rural Electrification Administration to follow the intent of Congress in implementing laws controlling the ways that rural electric cooperatives can invest in rural economic development ventures.

The language in amendment 88 of the conference report is another example of the need for Congress to chase, prod, and corral an administration that does not like a policy that Congress has put into law, and therefore tries its best to thwart the law through the drafting of regulations.

In our Budget Reconciliation Act of 1987, we increased the amount of investment that rural electric cooperatives could make in various economic and community development efforts in their home service areas, and we restricted that investment to a total of 15 percent of the value of a cooperative's plant assets. This is a reasonable policy, encouraging the cooperatives to be active in helping the development of their own communities through loans and investments, but not allowing the cooperatives to become over-extended in such activities to the point that their financial health is put at risk.

By regulation, the administration has tried to thwart our policy by inventing ways to reduce the amount of economic investment that we allowed for the cooperatives. The administration has done this through regulation that would count the profits on investments of a completely separate subsidiary as part of a cooperative's allowance for economic development efforts. In addition, the REA has created rules that would force a cooperative to immediate increase electric rates to its members to cover a 1-year operating loss of a completely separate subsidiary, and would force such a rate increase even though the subsidiary has retained earnings to cover the loss.

The rules I've just mentioned are entirely outside the intent of our 1987 law, and are contrary to long-established public policy on rural electric cooperatives as well as other public utilities.

The directive of the conferees tries to ensure that Basin Electric Cooperative, based in North Dakota, and other cooperatives are entitled to the opportunity for limited investment in their local rural economies as we have prescribed in previous law. I only hope that the administrator of REA and other administration officials have no difficulty reading the directive and following it so that we must not have to try to legislate commonsense policy in this area again in the next Congress.

Ms. SNOWE. Mr. Speaker, I rise today in support of the fiscal year 1993 agriculture appropriations conference report. In several ways, this legislation looks toward the future of agriculture. In order to remain a viable industry in the years ahead, agriculture must use research to improve growing practices while protecting the environment. Agriculture must also expand markets all over the world. This bill will help farmers accomplish these goals.

For instance, the New England region will be able to perform important research to improve growing techniques, to reduce pesticide use, and to expand markets. The Wild Blueberry Industry in Maine, which produces 98 percent of the Nation's wild blueberries, will receive some help from this bill to perform their research on quality improvements, harvesting procedures, and pesticide use.

Potato farmers in Aroostook County in Maine will be able to improve their research with funds to construct a seriously needed new facility which is necessary to ensure the success of the seed potato industry. A year and a half ago, seed potatoes from Canada were infected with the potato virus PVY–N, creating a potential for the devastation of the Seed Potato Industry in the Northeast. The construction of this laboratory is essential to prevent the spread of such diseases as well as to perform research on quality and protecting the environment in potato producing areas.

The potato industry has also been able to expand its markets in Japan and Korea through the Market Promotion Program which is funded in this bill. It will also allow the University of Maine to purchase new equipment for its Integrated Pest Management Program which has helped to make more effective uses of fewer pesticides on potatoes and other Maine crops.

I am pleased to note that several industries in Maine, New Hampshire, and Vermont will benefit from the Northern New England Product Development and Marketing Center which receives support in this bill. This center conducts a variety of studies ranging from product development and quality improvement to the expansion of both foreign and domestic markets. For example, the center is researching Northern New England's sustainable timber supply, international markets for fresh and processed apples, and the region's marketing infrastructure. It has the support of not only the agricultural industry, but also regional businesspeople have supported the project, attesting to its widespread benefits.

It is this type of support that will help agriculture remain profitable in this country. With improved quality, new products and new markets, farmers will be able to maintain a way of life that is such a large part of our country's history.

Mr. McHUGH. 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. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the grounds 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 299, nays 100, not voting 35, as follows:

[Roll No. 379]

YEAS—299

Abercrombie	Borski	Collins (MI)
Alexander	Boucher	Combest
Anderson	Brewster	Condit
Andrews (ME)	Brooks	Conyers
Andrews (NJ)	Browder	Cooper
Andrews (TX)	Brown	Costello
Annunzio	Bruce	Coughlin
Aspin	Bryant	Cox (IL)
AuCoin	Bunning	Coyne
Bacchus	Bustamante	Cramer
Baker	Byron	Darden
Barrett	Callahan	Davis
Barton	Camp	de la Garza
Bateman	Cardin	DeLauro
Bennett	Carper	Dellums
Bentley	Carr	Derrick
Bereuter	Chandler	Dicks
Bevill	Chapman	Dingell
Bilirakis	Clement	Dixon
Blackwell	Clinger	Dooley
Bliley	Coble	Dorgan (ND)
Boehlert	Coleman (MO)	Downey
Boehner	Coleman (TX)	Durbin
Bonior	Collins (IL)	Dwyer

Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fields
Foglietta
Ford (MI)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schiff
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Staggers
Stallings
Stenholm
Stokes
Sundquist
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—100

Allard
Allen
Applegate
Archer
Armey
Atkins
Ballenger
Bellenson
Bilbray
Broomfield
Burton
Campbell (CA)
Cox (CA)
Crane
Dannemeyer
DeLay
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fish
Frank (MA)
Goss
Gradison
Grandy
Hancock
Hansen
Hefley
Henry
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Jontz
Kennedy
Kolbe
Ky!
Lagomarsino
Lent
Lewis (FL)
Machtley
Markey
Marlenee
McEwen
McGrath
Meyers
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Neal (MA)
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Patterson
Penny
Petri
Porter
Pursell
Ramstad
Rhodes
Riggs
Ritter
Roberts
Rohrabacher
Roukema
Santorum
Schaefer
Scheuer
Schroeder
Schumer
Sensenbrenner
Shays
Shuster
Sikorski
Stark
Stearns
Studds
Stump
Swett
Taylor (NC)
Thomas (WY)
Vander Jagt
Vento
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—35

Ackerman
Anthony
Barnard
Berman
Boxer
Campbell (CO)
Clay
Cunningham
DeFazio
Dickinson
Dymally
Early
Flake
Ford (TN)
Gaydos
Gingrich
Hatcher
Hunter
Hyde
McCollum
Neal (NC)
Oakar
Savage
Schulze
Serrano
Slattery
Solarz
Solomon
Tallon
Towns
Traxler
Walker
Waxman
Weber
Wilson

□ 1527

The Clerk announced the following pair:

On this vote:

Mr. Serrano for, with Mr. Cunningham against.

Messrs. ROHRABACHER, VENTO, KENNEDY, and MARKEY changed their vote from "yea" to "nay."

Messrs. ROTH, SMITH of Texas, and HUGHES changed their vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WHEAT. Mr. Speaker, I rise to explain my vote on H.R. 5487, the Conference Report on Agriculture Appropriations for Fiscal year 1993. I inadvertently voted "yea"; however, I intended to vote "nay." Had I realized my mistake prior to the time the vote closed, I would have voted "nay."

As I have throughout my career in Congress, I strongly support the portions of H.R. 5487 which provide funding for vital programs such as the Special Supplemental Food Program for Women, Infants and Children [WIC], Food Stamps and Child Nutrition Programs. It is imperative that those in need of the basic necessity of food be availed to adequate and nutritional meals. This measure also maintains and strengthens many programs of importance to American farmers and the agricultural community.

However, a number of news reports and investigations have exposed considerable evidence of waste, fraud, and abuse throughout USDA programs and offices. Unfortunately, even after these abuses had been uncovered, it appears that this bill makes little progress toward addressing these issues. Potentially serious problems relating to departmental overhead costs, meat inspection offices, certain subsidy programs, and inadequate wetland conservation measures demonstrate that we must implement more dramatic reform of the Department of Agriculture.

For example, under the conference report, the Market Promotion Program will continue to receive about $148 million in funding. It is questionable, at best, whether this program serves any useful purpose other than to subsidize the marketing costs of major American corporate exporters, most of which need no taxpayer subsidy to market their products abroad.

The bill does not provide any funding for the Wetlands Reserve Program, a crucial element of the 1990 farm bill designed to preserve our wetlands. Continued funding for this program is imperative if we are to wage a real fight to protect our Nation's wetland ecosystems.

Any finally, while there is certainly a legitimate need for USDA field offices across the country, it has become clear through various news reports that consolidation of these field offices could create significant taxpayer savings without affecting the USDA ability to deliver its services to the public.

Because of these and other related reasons, I am discouraged by the lack of progress we have made in addressing the existing problems in the USDA. It is critical that we cut unnecessary waste and improve the efficiency of programs in the Department. The USDA—and all other Government agencies—should be run efficiently and effectively while remaining responsive to the diverse needs of the American people.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Mr. Speaker, is a motion to adjourn in order at this moment?

The SPEAKER pro tempore. That is a privileged motion.

MOTION TO ADJOURN

Mr. MARLENEE. Mr. Speaker, I move that the House do now adjourn.

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

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARLENEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So, the motion was rejected.

□ 1530

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 549) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 549

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives: Committee on Standards of Official Conduct: Kweisi Mfume, Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING RANK OF MEMBERSHIP ON COMMITTEE ON FOREIGN AFFAIRS

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 550) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 550

Resolved, That Antonio J. Colorado, of Puerto Rico, elected to the Committee on Foreign Affairs on March 17, 1992, pursuant to H. Res. 400, shall rank after Eni F.H. Faleomavaega, of American Samoa, thereon.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, August 6, 1992, the amendments in disagreement and motions printed in the joint statement are considered as read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 10, line 23, strike out "$4,500,000" and insert: "$10,000,000 is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH 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 sum named in said amendment, insert: "$7,250,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

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 15, line 4, strike out "$57,688,000" and insert: "$61,612,000".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$73,411,000".

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from New Mexico [Mr. SKEEN] opposed to the motion?

Mr. SKEEN. Mr. Speaker, I am not opposed to the motion.

The SPEAKER pro tempore. Is the gentleman from Indiana [Mr. BURTON] opposed to the motion?

Mr. BURTON of Indiana. Mr. Speaker, I am, and in that case, I ask the time be divided.

The SPEAKER pro tempore. Pursuant to rule XXVIII, the gentleman from New York [Mr. MCHUGH] will be recognized for 20 minutes, the gentleman from New Mexico [Mr. SKEEN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, because there is pressing business later on this evening, I will try to go through some of these amendments fairly rapidly. I would like to talk about amendments numbered 4, 7, 8, 18, 19, and 47.

For the edification of my colleagues, it has been stated, or it was said on the House floor just a few moments ago, that the Committee on Appropriations has done a very good job in keeping the discretionary spending down, and while they have made steps in the right direction, I submit that many of the amendments that were added during the conference committee involved pork-barrel projects for various congressional districts around the country.

Mr. Speaker, amendment No. 4 is a cooperative State research service special research grant that amounts to $73.411 million. This is $281,000 above fiscal year 1992. It is $15.7 million above the House bill that passed here about 2 weeks ago. It is $11.8 million above the Senate bill, and it is $44.5 million above the administration's request, and it is over 2½ times what the President asked for.

It contains also $1.3 million for wood utilization research centers in Maine and North Carolina. That is pure, unadulterated pork. As I said before, amendment No. 4 is 2½ times what the administration requested, and it is a very pork-laden amendment.

Amendment No. 7 deals with the Federal administration of the cooperative State research service, and this is the same as fiscal year 1992, but it is $1.625 million above the House bill and $750,000 above the Senate bill.

Amendment No. 8, the cooperative State research service projects, this is pork-laden. It has $430.143 million in it. This is $281,000 above fiscal year 1992. It is $17.7 million above the House bill and $13.2 million above the Senate bill.

Amendment No. 18 is Extension Service excluding Federal administration, $414.5 million. This is $6.5 million above fiscal year 1992, and it is $4.5 million above the House bill, $1.05 million above the Senate bill.

Amendment No. 19, Federal administration of the Extension Service, $10.428 million; this is $919,000, and I guess this one is below fiscal year 1992, and yet it is $2.5 million above the House bill which passed here recently and almost $1 million above the Senate bill.

No. 47, the Farmers Home Administration, section 502, that is $25.448 million above fiscal year 1992, $3.8 million above the House bill, and $2.4 million above the Senate bill.

These are examples of the pork that we have been talking about week in and week out and month in and month out in this body, but we are not really doing much about it.

Granted, the big increase in this appropriation bill is in the entitlements. But right here we have millions and hundreds of millions of dollars in excessive spending that the Committee on Appropriations could have dealt with.

I submit to my colleagues that this is the kind of thing that we have got to deal with now. Otherwise, we are going to pay the consequences later.

I will not ask for a rollcall vote on these amendments, but I bring it to my colleagues' attention so that maybe in the future we will deal more responsibly with these issues.

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

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

Mr. Speaker, I rise in support of the motion.

This particular item in the bill is one where the House took a rather stringent standard in terms of funding existing programs and new starts.

The conference report, by and large, has followed the same standard. More specifically, with respect to the House bill, we took the position that there would be no new research grants, that is, grants which were not already funded in the current year's appropriation.

We also took the position that there would be no additional funding over and above the current year's appropriation for existing and ongoing grants.

Now, in the conference, of course, as is always the case, the Senate had some different research grants funded than the House bill did.

This is not a unicameral legislature. It is important in conference to reach some reasonable compromises, and inevitably we had to do that, but in conference we applied a similar standard to the House approach.

Specifically we said that any existing ongoing grant that received additional funding as proposed by the Senate would have to be offset by comparable cuts in other existing projects. So with only one exception, which I will mention in a moment, in all other cases, if there was an addition in funding for an existing ongoing research project, it was offset by a comparable cut in another existing research project.

The same approach was taken with respect to many new research grants. We did not have any new research grants in the House bill, but the Senate bill had a few. We said to our colleagues in the other body in conference, "If you want to start a new research program, you have to find the money to finance that by a cut in some other existing research grant," and with one exception, that was the rule that was followed.

So I think that in conference we did exercise fiscal responsibility. The only exception in all of these grants to that general approach was on the wood utilization research program, which the gentleman from Indiana mentioned.

□ 1540

There we did increase an existing research project, but we did not earmark in the legislation where that increase should go. It remains available for a national program.

We did mention in the report, in the statement of managers, that the USDA should look at and consider applications which we know the State of Maine and North Carolina will submit, but that is not an earmarking and there is no requirement that the agency fund those applications.

So Mr. Speaker, I would hope that the motion would be adopted and we can move on.

Mr. SKEEN. Mr. Speaker, I rise in support of the motion. I think it has been adequately discussed.

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 6, 17, 23, 27, 46, 59, 72, 83, 102, 105, and 114 be considered en bloc and printed in the RECORD.

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

There was no objection.

The texts of the various Senate amendments referred to in the unanimous consent request are as follows:

Senate amendment No. 6: Page 16, line 11, after "expenses;" insert: "$400,000 for State agricultural weather information systems pursuant to section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3318);".

Senate amendment No. 17: Page 18, line 20, after "$1,500,000;" insert: "payments for rural health and safety education as authorized by section 2390 of Public Law 101-624 (7 U.S.C. 2661 note, 2662), $2,000,000;".

Senate amendment No. 23: Page 22, line 9, after "9701" insert: "*Provided further*, That none of these funds shall be used to pay the salary of any Department veterinarian or Veterinary Medical Officer who, when conducting inspections at horse shows, exhibitions, sales, or auctions under the Horse Protection Act, as amended (15 U.S.C. §§1821-1831), relies solely on the use of digital palpation as the only diagnostic test to determine whether or not a horse is sore under such Act".

Senate amendment No. 27: Page 26, after line 17, insert: "In fiscal years 1993 and 1994, 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."

Senate amendment No. 46: Page 46, line 19, after "property" insert: "*Provided*, That up to $35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration".

Senate amendment No. 59: Page 49, line 11, after "$125,000,000" insert: : "*Provided*, 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 1993".

Senate amendment No. 72: Page 53, line 10, after "310B(c)" insert: "and 310B(j)".

Senate amendment No. 83: Page 56, line 2, after "borrower" insert: "*Provided further*, That funds appropriated to the Farmers Home Administration shall be used to establish and maintain a Farmers Home Administration State office in Nevada".

Senate amendment No. 102: Page 63, line 17, after "1994" insert: ", of which up to $3,000,000 may be used to carry out the farmer's market coupon demonstration project".

Senate amendment No. 105: Page 65, line 11, after "$224,513,000" insert: "to remain available through September 30, 1994".

Senate amendment No. 114: Page 72, line 23, after "9701" insert: : *Provided further*, That $1,900,000 for the funds made available to the Food and Drug Administration shall be available to fund a clinical pharmacology pilot program".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendments of the Senate numbered 6, 17, 23, 27, 46, 59, 72, 83, 102, 105, and 114 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 16, line 12, strike out "$19,170,000" and insert: "$20,045,000".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

Mr. MCHUGH 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 proposed by said amendment, insert: "$20,795,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH).

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 Number 8: Page 16, line 23, strike out "$412,395,000" and insert: "$416,926,000".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH 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 sum proposed by said amendment, insert: "$430,143,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH).

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. 15: Page 18, line 20, after "$1,500,000;" insert: "payments to establish and operate centers of rural technology developed as authorized by section 2347 of Public Law 101-624 (7 U.S.C. 1932), $2,000,000;".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$1,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

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. 16: Page 18, line 20, after "$1,500,000;" insert: "payments for outreach and assistance for socially disadvantaged farmers and ranchers as authorized by section 2501 of Public Law 101-624 (7 U.S.C. 2279), $2,000,000;".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$1,000,000".

Mr. BURTON of Indiana. Mr. Speaker, I oppose the motion to recede and concur.

The SPEAKER pro tempore. Is the gentleman from New Mexico [Mr. SKEEN] in opposition to the motion?

Mr. SKEEN. Mr. Speaker, I support the motion.

The SPEAKER pro tempore. The gentleman from New Mexico [Mr. SKEEN] supports the motion; therefore, under rule XXVIII, the gentleman from New York [Mr. MCHUGH] will be recognized for 20 minutes, the gentleman from New Mexico [Mr. SKEEN] 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 Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, amendment No. 16 in technical disagreement provides $1 million for outreach and assistance to socially disadvantaged farmers, whatever that means. Maybe one of my colleagues can explain to me what a socially disadvantaged farmer is.

The Senate bill had about $2 million for this and the House bill that passed here 2 weeks ago had nothing in it.

It appears to me that we can help socially disadvantaged farmers through all the other agricultural programs which we are funding already in this bill and we do not need to be spending an additional $1 million for this particular program.

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

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, it is regretful that we would even discuss this amendment in this place at this time.

In the course of human events, there are lapses of the human element that cause grievances many times beyond repair. As the world became more enlightened and we as a country became more enlightened, there were instances where you had to offer corrective action for injustices of the past. This is one of those.

I will tell very clearly and very succinctly to my distinguished friend and colleague, the gentleman from Indiana, what is a socially disadvantaged farmer? The thrust of the law which was adopted in the Agriculture Committee is that you help a socially disadvantaged farmer by outreach, by working with them. The definition is, a would-be farmer went to the ASES office and was told, "You don't apply here, boy." That is what a socially disadvantaged farmer is.

He went to a Farmers Home Office in south Texas and they said, "Aqui no, hombre," "not here, man." That is what a socially disadvantaged farmer is. Need I say anymore?

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, if they make that kind of a comment to a person applying for assistance from these agencies, do they not have recourse through the American Civil Liberties Union and other agencies that we fund and through other agricultural programs, and is there not some legal recourse to them, rather than setting up a new program that we are going to spend $1 million for?

Mr. DE LA GARZA. Mr. Speaker, I would answer my distinguished colleague that the lapse of human nature was sanctioned by Government, our Government, our Supreme Court and our courts sanctioned what I am describing. Therefore, our Government has a responsibility to address to the tune of $1 million when you degraded an individual, when you attacked his dignity, when you told him, "You are not a member of our society. You don't apply here, boy."

It seems that we should do a little bit. This is so that the 1890 institutions, so that colleges and universities can work with those people, and maybe now the sons and grandchildren. I mean, it is embarrassing to state that you would still have sons or grandchildren of those who suffered the brunt in the beginning.

We have outreach for everything. We have outreach in every social program. The gentleman may not agree to them, but we do, and the outreach here is so that a group who was neglected because of human prejudice, sanctioned by Government, would have an opportunity, and this is a very simple community-based organization, because there are still those—I have a county adjoining my congressional district that does not have a single Hispanic in the ASES office, and for one who barely knows how to read and write, he goes hat in hand and many times he does not go in. My friend from his area and from his lifestyle and I guess the luck of having been born from another ethnic group, I do not think can understand the depth of desperation that people have when they are treated that way.

It is unfortunate here in 1992 we would be discussing this and being told, "Can't the American Civil Liberties help them?"

We caused the problem. Government adding to the inhumanity of humans caused the problem.

I would hope that the gentleman would understand that I am as fiscally responsible as I can be. Actually, in agriculture, what you are discussing here today, the bulk of it does not go to agriculture. The gentleman knows that. It goes to food stamps, school lunches, other programs.

This is one little thing we can do, saying "We understand. You can go to that office and they won't call you 'boy.'"

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there was not any money for this program in the House bill when it left the House. The conferees put this $1 million in.

It kind of gets to me that my good friend, the gentleman from Texas, looks across the Chamber at me because I have a suit and tie on and says, "You never experienced this kind of hardship. Therefore, you don't understand."

□ 1550

You could not be further from the truth, not further from the truth. I lived in a white ghetto in Indianapolis, in west Indianapolis in a place called the Valley, and we did not have any money, we did not have any welfare, we did not have anything. I shined shoes at J.D. Rushton's barbershop. So do not start telling me I do not understand poverty and I do not understand the problem.

I would just like to say that there are Members in this body and probably in the other body as well who started out in abject poverty. So we do understand a little bit about the situation.

But the fact of the matter is this country is going into the tank at a very, very rapid rate. The deficit is rapidly approaching well over $4 trillion, and it is going to be over $13 trillion, $13.5 trillion in just the next few years. It is going to be economic chaos.

Yet we keep coming up with these new ideas to spend $1 million, $5 million, $100 million, $200 million, for new programs that really do not do anything. If a person is being discriminated against and he is going to apply for a farm program, they have a lot of recourse. There is a lot of outreach programs right now, and we do not need to be starting a new one.

If we put $1 million into this thing this year, we will be back asking for $2

million, $5 million, $10 million a year from now, because there will be more and more people applying for help under this program. We do not need any new programs. We do not need any new entitlements.

So I just say to my colleagues, even though this is only $1 million right now, it is a step in the wrong direction that will lead to more spending down the road, and I submit to my colleagues there are other resources for people who are experiencing this kind of prejudice. Just because somebody is called "boy" or "you," or whatever, that every time that happens we have to start a new Government program. There are options for those people in the legal system to deal with those things.

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

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, I am not talking about poverty. All of us here either lived in or near poverty. I am not talking about poverty. What I am talking about is the responsibility of Government for the lapses of the human element, the prejudice that went beyond Government but was sanctioned by the Government.

I shined shoes also. So we are colleague shoeshine boys. That has nothing to do with what I am talking about. What we are talking about was prejudice that is still, and it is still endemic, inherent in the way of life that everyone took as a way of life, and this is now that you reach out to those that were neglected. I think Government has a legitimate responsibility here. This is not an entitlement. I agree with the gentleman on the entitlements and what we need to do there. This is not an entitlement. This is basically, I guess, if the gentleman would allow me, and he probably would agree to some degree at least, for me it is easing our conscience of what we did in the past. And if you can do it for this minimal amount in the thrust of $1.3 million, I think that you make some degree of amends because we are losing the small farms, we are losing the family farms.

Agriculture is not yet out of the woods. We are having tremendous problems. This is for those small farmers that will have 5, 10, 15, 20 acres that are yet hesitant to go into an office or to go into farming, which was their way of life and the life of their families. That is why you go to the 1890 institutions, the historically black institutions, you go to areas where you have majority Hispanic-type colleagues, you work within the resources. If the gentleman would read the law, you work within the existing resources of the Department of Agriculture.

So I do hope the gentleman understands that I agree with him on the necessity to reduce the budget. We agree on that. I agree with him that it is not nice to be poor. But it was not a question of being poor that we were addressing here. It was addressing a question that, because you were an Indian or a black or a Mexican, you just did not need to apply.

That is what we are trying to correct now. I do hope, with the kindness and charity that I know my good friend has in his heart, he would understand what we are trying to do here.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are a million reasons why we spend more money for new programs every single day and the taxpayers sit at home and they hear about these new programs that we come up with, and we start with $1 million and then it is $2 million, $5 million, $10 million, and before you know it, it could be up to $100 million, and they do not understand why. They do not understand why Government is growing at such a rapid rate that it is out of control and they do not understand why Government is taking more and more of the money that is available to expand the economy away from the private sector.

This is one of the reasons, because we keep coming up with new ideas, new programs that do not sound like they are very onerous at the very beginning, but before you know it they are costing millions and then billions, and the system just cannot handle it.

So I would just like to say to my colleagues that this is a small amount of money, $1 million, and normally I would not mess with it because we have a lot of bigger fish to fry around here, but I think it is a new program and we ought to have a vote on it, and I will ask for a vote.

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

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

Mr. Speaker, this is not a new idea, it is not a new program. It is a worthwhile effort. We spend our time in committees making these decisions. Fine, challenge us on the floor, that is good. That is what this process is all about.

I support the motion for approval.

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 144, not voting 41 as follows:

[Roll No. 380]

YEAS—249

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bereuter
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Cardin
Carper
Carr
Chapman
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Fazio
Feighan
Fields
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gibbons
Gilchrest
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hansen
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Jefferson
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (TX)
Spratt
Staggers
Stallings
Stark
Studds
Sundquist
Swett
Swift
Synar
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—144

Allen
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clinger
Coble

Condit	Johnston	Regula
Cox (CA)	Kasich	Rhodes
Crane	Klug	Ridge
Dannemeyer	Kolbe	Riggs
DeLay	Kyl	Rinaldo
Doolittle	Lagomarsino	Ritter
Dornan (CA)	Leach	Roberts
Dreier	Lent	Rohrabacher
Duncan	Lewis (CA)	Ros-Lehtinen
Erdreich	Lewis (FL)	Roth
Ewing	Livingston	Roukema
Fawell	Lloyd	Santorum
Fish	Lowery (CA)	Saxton
Franks (CT)	Machtley	Schaefer
Gallegly	Marlenee	Sensenbrenner
Gallo	Martin	Shaw
Gekas	McCandless	Shays
Geren	McCrery	Shuster
Gillmor	McEwen	Sikorski
Gingrich	McGrath	Slattery
Glickman	McMillan (NC)	Smith (NJ)
Goss	Meyers	Smith (OR)
Gradison	Miller (OH)	Snowe
Hall (TX)	Miller (WA)	Spence
Hammerschmidt	Molinari	Stearns
Hancock	Moorhead	Stenholm
Hastert	Morella	Stump
Hefley	Murphy	Tauzin
Henry	Nichols	Taylor (MS)
Herger	Nussle	Taylor (NC)
Holloway	Oxley	Thomas (CA)
Hopkins	Packard	Thomas (WY)
Houghton	Pallone	Upton
Hughes	Paxon	Vander Jagt
Hunter	Penny	Walsh
Hutto	Petri	Weldon
Inhofe	Pickett	Wolf
Jacobs	Porter	Wylie
James	Pursell	Young (FL)
Johnson (CT)	Ramstad	Zeliff
Johnson (TX)	Ravenel	Zimmer

NOT VOTING—41

Ackerman	Flake	Obey
Barnard	Ford (TN)	Savage
Berman	Gephardt	Schulze
Boxer	Gilman	Solarz
Broomfield	Hatcher	Solomon
Campbell (CO)	Hyde	Stokes
Clay	Ireland	Tallon
Cunningham	Jones (GA)	Towns
DeFazio	Kolter	Traxler
Dickinson	Lehman (FL)	Walker
Dymally	McCollum	Waxman
Early	Michel	Weber
Edwards (OK)	Morrison	Wilson
Fascell	Oakar	

□ 1617

Mr. BAKER and Mr. RAVENEL changed their vote from "yea" to "nay."

Messrs. EMERSON, LAUGHLIN, GOODLING, and GILCHREST 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 (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 18: Page 18, line 23, strike out "$410,000,000" and insert: "$413,443,000".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$414,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

The motion was agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 19, line 13, strike out "$7,928,000" and insert: "$9,501,000".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$10,428,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

The motion was agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 21: Page 19, line 24, after "improvements" insert: ": *Provided further*, That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 21, and concur therein.

Mr. BURTON of Indiana. Mr. Speaker, I oppose the motion to recede and concur.

The SPEAKER pro tempore. Is the gentleman from New Mexico [Mr. SKEEN] in support of the motion?

Mr. SKEEN. Mr. Speaker, I support the motion.

□ 1620

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from New York [Mr. MCNULTY] will be recognized for 20 minutes, the gentleman from New Mexico [Mr. SKEEN] 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 Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the last amendment was for assistance to socially disadvantaged farmers. This one must be for socially disadvantaged Senators because it provides for a porkbarrel project for the chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies in the other body. It provides $462,000 for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, AR.

This was put in the Senate bill by the senior Senator from Arkansas who is the acting chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies.

The SPEAKER pro tempore. The Chair would caution the gentleman from Indiana not to characterize the motivations of Members of the other body.

Mr. BURTON of Indiana. Mr. Speaker, I thank the Chair.

This is pure pork for Arkansas, pure unadulterated pork.

The Agriculture Department did not request it. It has not been specifically authorized, and it was not in the House bill.

I know it is only $462,000, but it is a perfect example of how in the conference committees, we have the leading members of the various Committees on Appropriations in both the House and the other body being able to get things they want for their particular districts in the bill.

This is $462,000, not authorized, not requested by the Agriculture Department and was not in the House bill.

I submit to my colleagues, we should not be spending the money for it.

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

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

I rise in support of the motion. As the gentleman from Indiana has indicated, this appropriation was not in the House bill. However, it was in the Senate bill. It has been in the Appropriation bill for each of the last 5 years now.

This is the fifth year in which the Congress has provided money for this program. The conference agreement provides the same level of funding as last year.

It is a program which provides legal research on issues which relate to farmers and their relationship with the Government, and the benefits of this research are distributed to law schools and to farm organizations across the country.

Again, I would point out that although we did not provide the funds in our bill, it was provided in the Senate bill.

We have to reach some compromises between the House and the Senate in conference. We cannot stamp our feet and insist upon our position on all the issues.

This is something which we think has some merit and which the Congress

has funded now for 5 years. It is the same amount as we provided last year. There is no increase.

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

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

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my colleagues, I will not ask for a vote on this, but I do want them to realize, I hope they realize that $462,000 put in the conference committee for a law library in somebody's specific district, when they already have libraries at that university, is a pure porkbarrel project. And that is one of the problems that we have around here.

The gentleman says that we cannot stand and stamp our feet because something like that is put in and so we put millions and billions of dollars' worth of porkbarrel projects in these bills all the time, and the appropriations bills continue to go up.

The average increase in the appropriations bills this year has been over 12, 14 percent. And the inflation rate has been 3 percent. So how do we get control of spending?

We have to start looking at these porkbarrel projects as well as the entitlements when they put them in the bill.

I will not ask for a rollcall vote on this, but I would like to say to my colleagues, especially those on the Committee on Appropriations, when they go to conference, please think about the taxpayers, please think about the waste. And let us cut these porkbarrel projects out.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

The motion was agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 25, line 2, after "3109" insert: ": *Provided further*, That $99,000 of these funds shall be available for a field office in Hawaii".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH 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 matter proposed by said amendment, insert: ": *Provided further*, That, hereafter, funds made available to the Agricultural Cooperative Service shall be available for a field office in Hawaii".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

The motion was agreed to.

The SPEAKER pro tempore. (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 37, line 14, strike out "$205,266,000" and insert: "$238,266,000".

MOTION OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Speaker, I offer a motion.

The Clerk read as follows:

The SPEAKER pro tempore. The clerk will designate the motion.

The text of the motion is as follows:

Mr. MCHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: "$228,266,000, to remain available until expended (7 U.S.C. 2209b)".

Mr. BURTON of Indiana. Mr. Speaker, I oppose the motion to recede and concur.

The SPEAKER pro tempore. Does the gentleman from New Mexico [Mr. SKEEN] support the motion?

Mr. SKEEN. Mr. Speaker, I support the motion.

The SPEAKER pro tempore. The gentleman from New York [Mr. MCHUGH] will be recognized for 20 minutes, the gentleman from New Mexico [Mr. SKEEN] 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 Indiana. [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

This amendment in technical disagreement provides $228 million for watershed and flood control operations. This is $23 million above both the fiscal year 1992 and the House bill that left here just a couple of weeks ago. Here is the main problem.

The Senate report language earmarks $33 million for projects in West Virginia. West Virginia has less than 1 percent of the Nation's population, but it is receiving almost 15 percent of all the watershed and flood control money.

I submit to my colleagues, it is because the gentleman in the other body that has control of this committee is from West Virginia. So they are getting 15 times what any other State would be getting for flood control and watershed projects simply because of the position he occupies.

These projects were not in the House bill or the House report language. Every Member here is being taken to the cleaners when we allow one person in the other body to get 15 times what they should be getting simply because they have a powerful position on the Committee on Appropriations.

We all know who that gentleman is, so I say to my colleagues, when do we draw the line on this wasteful spending? When do we draw the line on these porkbarrel projects?

I say to my colleagues, this is a perfect example of where we can cut and where we ought to cut.

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

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

I rise in support of the motion.

Very briefly, I am sure the gentleman would not argue that there is important work in watershed restoration and preservation that needs to be done. Therefore, the increase in this program is relatively modest as compared with the need throughout the country.

The objection the gentleman raises, I think, is that there is an earmarking in the report for the State of West Virginia. The fact is that we on the House side in conference were sensitive to this problem because we do not believe that the money, which is provided for in this account, should go solely to the State of West Virginia. So to that extent, I thoroughly agree with the gentleman from Indiana.

The report, however, does not earmark the money for West Virginia. The Senate language urges that the Soil Conservation Service consider a number of projects which were included in the report language from West Virginia, but that is not an earmarking.

Frankly, I appreciate the gentleman from Indiana raising this point, because I would like to make it clear in the RECORD that I do not, as a manager of the bill, I do not consider this to be an earmarking for West Virginia.

It is an increase in the funding for national purposes. The agency can consider the West Virginia projects, but there is no earmarking here.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I appreciate what the gentleman said. I understand he has the same concerns I have. But it is in the report language. And because of the position that is occupied by the gentleman in the other body, we all know that that $33 million is going to get to his State, just like he wanted the FBI lab and the CIA center and all those road projects down there.

My colleagues, we have got to do something about that. We should defeat this technical disagreement, this amendment, and send it back over there.

□ 1630

Mr. Speaker, I do not believe we will, and therefore I will not ask for a rollcall vote on it, but we have to start doing it sometime.

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 47: Page 46, line 23, strike out "$309,254,000" and insert: "$310,643,000".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$313,039,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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 51, after line 14, insert:

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

For the cost of guaranteed lines of credit available pursuant to an emergency declaration as provided at section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), $13,500,000, to remain available until expended, but not beyond fiscal year 2009: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to establish a guaranteed line of credit program level of $45,000,000, to remain available until expended, but not beyond fiscal year 2009, which the Department shall make available for the purpose of purchasing grains for the production of alcohol fuels at established cooperative facilities as necessary to meet deliveries under contract: *Provided further*, That a guarantee fee of one percent shall be paid at the time a guarantee is issued.

I addition, for administrative expenses necessary to carry out the credit guarantee program, $150,000.

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH 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 inserted by said amendment, insert:

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

For the cost of guaranteed lines of credit available pursuant to an emergency declaration as provided at section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), $9,000,000, to remain available until expended, but not beyond fiscal year 2009: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to establish a guaranteed line of credit program level of $30,000,000, to remain available until expended, but not beyond fiscal year 2009, which the Department shall make available for the purpose of purchasing grains or cellulosic materials for the production of alcohol fuels at established cooperative facilities as necessary to meet deliveries under contract; *Provided further*, That a guarantee fee of one percent shall be paid at the time a guarantee is issued.

In addition, for administrative expense necessary to carry out the credit guarantee program, $100,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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 51, line 20, strike out all after "Provided," down to and including "further," in line 23.

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: "That of this amount, $25,000,000 shall be available for water and waste disposal systems to benefit the Colonias along the U.S./Mexico border, including grants pursuant to section 306C: *Provided further*, That, with the exception of the foregoing $25,000,000,".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 73: Page 53, line 18, after "ment" insert: " : *Provided further*, That $2,000,000 shall be available for grants to statewide private, nonprofit public television systems in predominantly rural States to provide information and services on rural economics and agriculture : *Provided further*, That grants made to or to be made to these television systems during fiscal years 1990 through 1992 under the Consolidated Farm and Rural Development Act shall for all purposes be deemed to have been made pursuant to Section 310B(j) of such Act".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 73, and concur therein.

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the motion to recede and concur.

The SPEAKER pro tempore. Does the gentleman from New Mexico [Mr. SKEEN] support the motion?

Mr. SKEEN. I support the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. McHUGH] will be recognized for 20 minutes, the gentleman from New Mexico [Mr. SKEEN] 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 Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, amendment No. 73 in technical disagreement provides $2 million for grants to public television stations. This was not in the Senate bill, it was not in the House bill, it was unauthorized. The Agriculture Department did not request it, and we are already spending a lot of money on public television.

Mr. Speaker, if these stations need taxpayer dollars, let them obtain this money through the Corporation for Public Broadcasting. We should not be adding $2 million that is not in either the House or the Senate bill, and it is unauthorized. The Department of Agriculture did not want it, and we are putting it in there.

Mr. Speaker, this is $2 million in pork. I do not think it should be spent. For that reason, I think we should disagree with this amendment.

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

Mr. Speaker, I rise in support of the motion. First of all. Mr. Speaker, this $2 million was included in the Senate bill, so it was an item in conference between the House and the Senate. It is true that the House did not provide the $2 million in our bill initially, but the Senate did have it in theirs, and of course, it was an item that we had to deal with. The House in this case receded to the position of the Senate. It is a program which has been funded for a number of years. It is not an increase over last year's level. It is the same level of spending as we provided for in last year's bill.

Therefore, Mr. Speaker, I think it is consistent with the restraint we attempted to show in conference, and I would urge passage of the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 74: Page 53, line 18, after "ment" insert:" : *Provided further*, That $400,000 of the amount made available under this heading in fiscal year 1992 shall be made available to the Vermont State Colleges in fiscal year 1992: *Provided further*, That $400,000 of the amount made available by this paragraph shall be made available to the Vermont State Colleges to construct, maintain and operate additional educational and learning centers and to provide educational programming in fiscal year 1993".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

": *Provided further*, That amounts made available under this heading in fiscal year 1992 shall be available in fiscal year 1993".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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 55, line 4, after "account," insert: "$150,000 shall be derived by transfer from the Alcohol Fuels Credit Guarantee Program Account in this Act and merged with this account,".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH 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 named in said amendment, insert: "$100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 98: Page 61, line 3, strike out "$6,674,521,000" and insert: "$6,767,484,000".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 98 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$6,826,553,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 99: Page 61, line 4, strike out "$2,384,066,000" and insert: "$2,477,029,000".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 99 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$2,536,098,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 101: Page 62, line 19, strike out "$1,322,000 shall be available" and insert: "$2,000,000 shall be available to provide financial and other assistance".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 101 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$1,661,000",

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 106: Page 67, line 17, strike out "$511,619,000" and insert: "$538,295,000".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH 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: "$509,996,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 119: Page 83, strike out lines 9 to 14.

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH moves that the House recede from its disagreement to the amendment of the Senate numbered 119 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

"SEC. 730. For loan guarantees authorized under sections 1465–1469 of Public Law 101–624 for the Agricultural Resource Conservation Demonstration Program, $10,000,000. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, $3,644,000: *Provided*, That, hereafter, no other funds are available in this or any other Act to carry out this program, other than those provided for in advance in Appropriations Acts, except for the cost of administering the program: *Provided further*, That such limitation shall not apply with respect to the duties and obligations of the Secretary regarding any loan or note guarantees, interest assistance agreements, or other understandings entered into during fiscal year 1992, and the personnel of the Department shall carry out the duties and obligations of the Secretary, and any other requirements imposed on the Secretary regarding such Agricultural Resource Conservation Demonstration Loan Program with respect to the loan made and guaranteed in 1992.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. McHUGH].

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. 120: Page 83, line 15, strike out "731" and insert: "730".

MOTION OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. McHUGH 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 stricken and inserted by said amendment, insert:

"731. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who

carry out a program within the Agricultural Stabilization and Conservation Service for the purchase of computer hardware and software and other costs in support of long-range Information Resources Management objectives in Automated Data Processing if the aggregate amount of funds transferred by the Commodity Credit Corporation to the Agricultural Stabilization and Conservation Service for such purchases exceeds $52,400,000.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH].

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.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was attending a meeting at the White House and did not vote on rollcall No. 380, to recede and concur in Senate amendment No. 16 to H.R. 5487, the Agriculture and related agencies appropriations for fiscal year 1993. Had I been present to vote, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3515

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3515.

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

There was no objection.

NEW RIVER WILD AND SCENIC STUDY ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5021, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5021, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 41, not voting 34, as follows:

[Roll No. 381]

YEAS—359

Abercrombie	Bacchus	Borski
Allard	Baker	Boucher
Allen	Bateman	Brooks
Anderson	Beilenson	Browder
Andrews (ME)	Bennett	Brown
Andrews (NJ)	Bentley	Bruce
Andrews (TX)	Bereuter	Bryant
Annunzio	Bevill	Bunning
Anthony	Bilbray	Bustamante
Applegate	Bilirakis	Byron
Archer	Blackwell	Callahan
Aspin	Bliley	Camp
Atkins	Boehlert	Campbell (CA)
AuCoin	Bonior	Cardin
Carper	Hutto	Orton
Chandler	Ireland	Owens (NY)
Chapman	Jacobs	Owens (UT)
Clement	James	Oxley
Clinger	Jefferson	Pallone
Coleman (MO)	Jenkins	Panetta
Coleman (TX)	Johnson (CT)	Parker
Collins (IL)	Johnson (SD)	Pastor
Collins (MI)	Johnston	Patterson
Condit	Jones (GA)	Paxon
Conyers	Jones (NC)	Payne (NJ)
Cooper	Jontz	Payne (VA)
Costello	Kanjorski	Pease
Cox (CA)	Kaptur	Pelosi
Cox (IL)	Kasich	Penny
Coyne	Kennedy	Perkins
Cramer	Kennelly	Peterson (FL)
Darden	Kildee	Peterson (MN)
Davis	Kleczka	Pickett
de la Garza	Klug	Pickle
DeLauro	Kolbe	Porter
Dellums	Kopetski	Poshard
Derrick	Kostmayer	Price
Dicks	Kyl	Quillen
Dingell	LaFalce	Rahall
Dixon	Lagomarsino	Ramstad
Donnelly	Lancaster	Rangel
Dooley	Lantos	Ravenel
Dorgan (ND)	LaRocco	Ray
Dornan (CA)	Laughlin	Reed
Downey	Leach	Regula
Dreier	Lehman (CA)	Rhodes
Durbin	Lehman (FL)	Richardson
Dwyer	Lent	Ridge
Eckart	Levin (MI)	Riggs
Edwards (CA)	Levine (CA)	Rinaldo
Edwards (TX)	Lewis (CA)	Ritter
Emerson	Lewis (FL)	Roberts
Engel	Lewis (GA)	Roe
English	Lightfoot	Roemer
Erdreich	Lipinski	Rogers
Espy	Livingston	Ros-Lehtinen
Evans	Lloyd	Rose
Fascell	Long	Rostenkowski
Fazio	Lowery (CA)	Roukema
Feighan	Lowey (NY)	Rowland
Fish	Luken	Roybal
Foglietta	Machtley	Russo
Ford (MI)	Manton	Sabo
Frank (MA)	Markey	Sanders
Franks (CT)	Martin	Sangmeister
Frost	Martinez	Santorum
Gallegly	Matsui	Sarpalius
Gallo	Mavroules	Savage
Gaydos	Mazzoli	Sawyer
Gejdenson	McCloskey	Saxton
Gephardt	McCrery	Schaefer
Geren	McCurdy	Scheuer
Gibbons	McDade	Schiff
Gilchrest	McDermott	Schroeder
Gillmor	McEwen	Schumer
Gilman	McGrath	Serrano
Gingrich	McHugh	Sharp
Glickman	McMillen (MD)	Shaw
Gonzalez	McNulty	Shays
Gordon	Meyers	Shuster
Goss	Mfume	Sikorski
Gradison	Michel	Sisisky
Grandy	Miller (CA)	Skaggs
Green	Miller (OH)	Skeen
Guarini	Miller (WA)	Skelton
Gunderson	Mineta	Slattery
Hall (OH)	Mink	Slaughter
Hall (TX)	Moakley	Smith (IA)
Hamilton	Molinari	Smith (NJ)
Hammerschmidt	Mollohan	Smith (OR)
Harris	Montgomery	Smith (TX)
Hastert	Moody	Snowe
Hayes (IL)	Moorhead	Spence
Hayes (LA)	Moran	Spratt
Hefley	Morella	Staggers
Hefner	Morrison	Stallings
Henry	Murphy	Stark
Hertel	Murtha	Stenholm
Hoagland	Myers	Stokes
Hobson	Nagle	Studds
Hochbrueckner	Natcher	Sundquist
Hopkins	Neal (MA)	Swett
Horn	Neal (NC)	Swift
Horton	Nowak	Synar
Houghton	Nussle	Tanner
Hoyer	Oberstar	Tauzin
Hubbard	Obey	Taylor (MS)
Huckaby	Olin	Thomas (CA)
Hughes	Olver	Thomas (GA)
Hunter	Ortiz	Thornton
Torres	Walsh	Wolf
Torricelli	Washington	Wolpe
Traficant	Waters	Wyden
Unsoeld	Waxman	Wylie
Upton	Weiss	Yates
Valentine	Weldon	Yatron
Vander Jagt	Wheat	Young (AK)
Vento	Whitten	Young (FL)
Visclosky	Williams	Zimmer
Volkmer	Wise	

NAYS—41

Armey	Ewing	Nichols
Ballenger	Fawell	Packard
Barrett	Fields	Petri
Barton	Gekas	Pursell
Boehner	Goodling	Rohrabacher
Burton	Hancock	Roth
Carr	Hansen	Sensenbrenner
Coble	Herger	Stearns
Combest	Holloway	Stump
Crane	Inhofe	Taylor (NC)
Dannemeyer	Johnson (TX)	Thomas (WY)
DeLay	Marlenee	Vucanovich
Doolittle	McCandless	Zeliff
Duncan	McMillan (NC)	

NOT VOTING—34

Ackerman	Dickinson	Schulze
Alexander	Dymally	Smith (FL)
Barnard	Early	Solarz
Berman	Edwards (OK)	Solomon
Boxer	Flake	Tallon
Brewster	Ford (TN)	Towns
Broomfield	Hatcher	Traxler
Campbell (CO)	Hyde	Walker
Clay	Kolter	Weber
Coughlin	McCollum	Wilson
Cunningham	Mrazek	
DeFazio	Oakar	

□ 1720

Mr. ZELIFF changed his vote from "yea" to "nay."

Messrs. PAYNE of Virginia, DREIER of California, HENRY, ARCHER, and ALLEN changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4175

Mr. LEWIS of Florida. Mr. Speaker, I ask unanimous consent that my time be removed as a cosponsor of the bill (H.R. 4175).

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4323, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 102-838) on the resolution (H. Res. 551) providing for the consideration of the bill (H.R. 4323) to improve education for all students by restructuring the education system in the States, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON S. 2532, FREEDOM SUPPORT ACT OF 1992

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 545, I move that the House insist on its amendment to S. 2532 to support freedom and open markets in the independent states of the former Soviet Union, and for other purposes, and request a conference with the Senate thereon.

The Clerk read the title of the Senate bill.

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

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BROOMFIELD moves that the managers on the part of the House be instructed to insist on title V, regarding nonproliferation and disarmament activities, of the House amendment.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes, and the gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes.

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

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

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. On the gentleman's motion, Mr. Speaker, as far as this side is concerned, we have no disagreement with it.

Mr. Speaker, I yield back my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time, and I move the previous question on that motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. BROOMFIELD].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–14, 118, 126, 134, 136(d) and 146), and the House amendment (except title VI), and modifications committed to conference: Messrs. FASCELL, HAMILTON, SOLARZ, BERMAN, JOHNSTON of Florida, ENGEL, BROOMFIELD, GILMAN, LEACH, and BEREUTER.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–14, 118, 126, 134, 136(d) and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference: Messrs. FASCELL, HAMILTON and BROOMFIELD.

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–49, 147, 403, and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference: Messrs. DE LA GARZA, ROSE, PENNY, GLICKMAN, COLEMAN of Missouri, and ROBERTS.

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, 137–38 of the Senate bill, and title V of the House amendment, and modifications committed to conference: Messrs. ASPIN, MCCURDY, and DICKINSON.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–14, 118, 126, 134, 136(d) and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference: Ms. OAKAR, and Messrs. NEAL of North Carolina, LAFALCE, TORRES, KLECZKA, KENNEDY, WYLIE, LEACH, BEREUTER, and MCCANDLESS.

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference: Messrs. DINGELL, SHARP, COOPER, BRUCE, HARRIS, SCHEUER, LENT, MOORHEAD, DANNEMEYER, and OXLEY.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference: Messrs. DINGELL, SHARP, and LENT.

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference: Messrs. BROOKS, MAZZOLI, and FISH.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference: Messrs. ROE, OBERSTAR, and HAMMERSCHMIDT.

As additional conferees from the Committee on Science, Space and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference: Messrs. BROWN, BOUCHER, and WALKER.

There was no objection.

REPORT ON ADMINISTRATION OF RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1991.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through Center technical reports, the Radiological Health Bulletin, and other publicly available sources. This annual report serves little useful purpose and diverts Agency resources from more productive activities.

GEORGE BUSH.

THE WHITE HOUSE, *August 11, 1992.*

SMALL BUSINESS CREDIT AND BUSINESS OPPORTUNITY ENHANCEMENT ACT OF 1992

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4111) to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments and the House amendment to the Senate amendments, as follows:

Senate amendments: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Credit and Business Opportunity Enhancement Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act shall be as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

Sec. 101. Short title.
Sec. 102. Authorizations.
Sec. 103. Buy American preference.
Sec. 104. State limitations on interest rates.

Subtitle B—Microloan Demonstration Program Amendments

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Microloan demonstration program amendments.
Sec. 114. Regulations.
Sec. 115. Authorization of appropriations.

TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS

Subtitle A—Small Business Competitiveness Demonstration Program

Sec. 201. Extension of demonstration programs.

Sec. 202. Management improvements to the small business competitiveness demonstration program.
Sec. 203. Amendments to the dredging demonstration program.
Subtitle B—Defense Economic Transition Assistance
Sec. 211. Section 7(a) loan program.
Sec. 212. Small business development center program.
Subtitle C—Small Business Administration Management
Sec. 221. Disadvantaged small business status decisions.
Sec. 222. Establishment of size standards.
Sec. 223. Management of Small Business Development Center Program.
Subtitle D—Technical Amendments and Repealers
Sec. 231. Commission on minority business development.
TITLE III—STUDIES AND RESOLUTIONS
Subtitle A—Access to Surety Bonding
Sec. 301. Short title.
Sec. 302. Survey.
Sec. 303. Report.
Sec. 304. Definitions.
Subtitle B—Small Business Loan Secondary Market Study
Sec. 311. Secondary market for loans to small businesses.
Subtitle C—Contract Bundling Study
Sec. 321. Contract bundling study.
Subtitle D—Resolution Regarding Small Business Access to Capital
Sec. 331. Sense of the Congress.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Small Business Credit Crunch Relief Act of 1992".

SEC. 102. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4) Except as may be otherwise specifically provided by law, the amount of deferred participation loans authorized in this section—

"(A) shall mean the net amount of the loan principal guaranteed by the Small Business Administration (and does not include any amount which is not guaranteed); and

"(B) shall be available for a national program, except that the Administration may use not more than an amount equal to 10 percent of the amount authorized each year for any special or pilot program directed to identified sectors of the small business community or to specific geographic regions of the United States.";

(2) by amending subsection (e)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $5,978,000,000 in deferred participation loans and other financing. Of such sum, the Administration is authorized to make—

"(A) $5,200,000,000 in general business loans, as provided in section 7(a);

"(B) $53,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $725,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.";

(3) amending subsection (g)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $7,030,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $6,200,000,000 in general business loans as provided in section 7(a);

"(B) $55,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $775,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958."; and

(4) by amending subsection (i)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $8,083,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $7,200,000,000 in general business loans, as provided in section 7(a);

"(B) $58,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $825,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.".

SEC. 103. BUY AMERICAN PREFERENCE.

In providing financial assistance with amounts appropriated pursuant to the amendments made by this Act, the Administrator of the Small Business Administration shall, when practicable, accord preference to small business concerns which use or purchase equipment and supplies produced in the United States. The Administrator shall also encourage small business concerns receiving such assistance to purchase such equipment and supplies.

SEC. 104. STATE LIMITATIONS ON INTEREST RATES.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by striking "The rate of interest on financings made on a deferred basis shall be legal and reasonable but" and inserting the following: "Notwithstanding the provisions of the constitution of any State or the laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the maximum legal rate of interest on any financing made on a deferred basis pursuant to this subsection".

Subtitle B—Microloan Demonstration Program Amendments

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Microlending Expansion Act of 1992".

SEC. 112. FINDINGS.

The Congress finds that—

(1) nationwide, there are many individuals who possess skills that, with certain short-term assistance, could enable them to become successfully self-employed;

(2) many talented and skilled individuals who are employed in low-wage occupations could, with sufficient opportunity, start their own small business concerns, which could provide them with an improved standard of living;

(3) most such individuals have little or no savings, a nonexistent or poor credit history, and no access to credit or capital with which to start a business venture;

(4) women, minorities, and individuals residing in areas of high unemployment and high levels of poverty have particular difficulty obtaining access to credit or capital;

(5) providing such individuals with small-scale, short-term financial assistance in the form of microloans, together with intensive marketing, management, and technical assistance, could enable them to start or maintain small businesses, to become self-sufficient, and to raise their standard of living;

(6) banking institutions are reluctant to provide such assistance because of the administrative costs associated with processing and servicing the loans and because they lack experience in providing the type of marketing, management, and technical assistance needed by such borrowers;

(7) many organizations that have had successful experiences in providing microloans and marketing, management, and technical assistance to such borrowers exist throughout the Nation; and

(8) loans from the Federal Government to intermediaries for the purpose of relending to start-up, newly established and growing small business concerns are an important catalyst to attract private sector participation in microlending.

SEC. 113. MICROLOAN DEMONSTRATION PROGRAM AMENDMENTS.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) by amending clause (i) to read as follows:

"(i) to assist women, low-income, and minority entrepreneurs and business owners and other such individuals possessing the capability to operate successful business concerns, and, in particular, those entrepreneurs and business owners located in labor surplus areas or low-income areas;"; and

(B) in clause (iii)(I), by inserting ", particularly loans in amounts averaging not more than $5,000," after "small-scale loans";

(2) in paragraph (3)(A)—

(A) by striking "As part of" and inserting the following:

"(i) IN GENERAL.—As part of";

(B) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(C) in subclause (III), as redesignated, by striking "economic and unemployment" and inserting "economic, poverty, and unemployment";

(D) by amending subclause (VIII), as redesignated, to read as follows:

"(VIII) any plan to involve other technical assistance providers (such as counselors from the Service Corps of Retired Executives or small business development centers) or private sector lenders in assisting selected business concerns."; and

(E) by adding at the end the following:

"(ii) SELECTION OF INTERMEDIARIES.—In selecting intermediaries to participate in the program established under this subsection, the Administration shall give priority to those applicants that provide loans to small business concerns located in labor surplus areas or in low-income areas.";

(3) by amending paragraph (3)(F) to read as follows:

"(F) LOAN DURATION; INTEREST RATES.—

"(i) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years.

"(ii) APPLICABLE INTEREST RATES.—Except as provided in clauses (iii) and (iv), loans made by the Administration under this subsection to an intermediary shall bear an interest rate equal to one-half of 1 percentage point below 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.

"(iii) RATES APPLICABLE TO LOANS IN LABOR SURPLUS AND LOW-INCOME AREAS.—Loans made by the Administration to an intermediary that predominantly serves small business concerns and entrepreneurs located in labor surplus and low-income areas shall bear an interest rate that is 1.25 percentage points below 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.

"(iv) RATES APPLICABLE TO CERTAIN SMALL LOANS.—Loans made by the Administration to an intermediary described in clause (iii) that

makes loans to small business concerns and entrepreneurs averaging not more than $5,000, shall bear an interest rate that is 2 percentage points below 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.

"(v) RATES APPLICABLE TO MULTIPLE SITES OR OFFICES.—The interest rate prescribed in clause (ii), (iii), or (iv) shall apply to each separate loan-making site or office of 1 intermediary only if such site or office meets the requirements of that clause.

"(vi) RATE BASIS.—The applicable rate of interest under this paragraph shall—

"(I) be applied retroactively for the first year of an intermediary's participation in the program, based upon the actual lending practices of the intermediary as determined by the Administration prior to the end of such year; and

"(II) be based in the second and subsequent years of an intermediary's participation in the program, upon the actual lending practices of the intermediary during the term of the intermediary's participation in the program.

"(vii) COVERED INTERMEDIARIES.—The interest rates prescribed in this subparagraph shall apply to all loans made to intermediaries under this subsection on or after October 28, 1991.";

(4) in paragraph (4)—

(A) in subparagraph (A), by striking "Subject to" and inserting "Except as otherwise provided in subparagraphs (C) and (D) and subject to"; and

(B) by adding at the end the following:

"(C) GRANTS FOR INTERMEDIARIES IN LABOR SURPLUS AREAS AND LOW-INCOME AREAS.—

"(i) IN GENERAL.—Except as otherwise provided in subparagraph (D), each intermediary that receives a loan under paragraph (1)(B)(i) and that predominantly serves small business concerns and entrepreneurs located in labor surplus or low-income areas shall be eligible to receive a grant in an amount equal to 25 percent of the total outstanding balance of loans made to it under this subsection to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection.

"(ii) CONTRIBUTION.—As a condition of any grant made under clause (i), the Administration shall require the intermediary to contribute an amount equal to 25 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.

"(D) ADDITIONAL TECHNICAL ASSISTANCE GRANTS FOR MAKING CERTAIN LOANS.—

"(i) IN GENERAL.—Each intermediary that meets the requirements of subparagraph (C) and that has a portfolio of loans made under this subsection that averages not more than $5,000 during the period of the intermediary's participation in the program shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection, in addition to grants made under subparagraph (C)(i).

"(ii) PURPOSES.—A grant awarded under clause (i) may be used to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection.

"(iii) CONTRIBUTION EXCEPTION.—The contribution requirements in subparagraph (C)(ii) do not apply to grants made under this subparagraph.

"(E) ELIGIBILITY FOR MULTIPLE SITES OR OFFICES.—The eligibility for a grant described in subparagraph (A), (C), or (D) shall be determined separately for each loan-making site or office of 1 intermediary.";

(5) in paragraph (5)(A), by striking "2 grants" and inserting "6 grants";

(6) in paragraph (6), by amending subparagraph (C) to read as follows:

"(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 not exceed the rate of interest applicable to a loan made to an intermediary by the Administration—

"(i) in the case of a loan made by the intermediary to a small business concern or entrepreneur other than those described in clauses (ii) and (iii), by more than 7 percentage points;

"(ii) in the case of a loan of more than $5,000 made by the intermediary to a small business concern or entrepreneur located in a labor surplus or low-income area, by more than 7.75 percentage points; and

"(iii) in the case of a loan of not more than $5,000 made by the intermediary to a small business concern or entrepreneur located in a labor surplus or low-income area, by more than 9.5 percentage points.";

(7) in paragraph (7)—

(A) in subparagraph (A), by striking "35 microloan programs" and inserting "60 microloan programs";

(B) in subparagraph (B), by striking "25 additional" and inserting "50 additional";

(C) by amending subparagraph (C)(i) to read as follows:

"(i) be awarded more than 4 microloan programs in the first 2 years of the demonstration program nor more than 2 microloan programs in any year thereafter;";

(D) in subparagraph (C)(ii), by striking "$1,000,000" and inserting "$1,500,000"; and

(E) in subparagraph (C)(iii), by striking "$1,500,000" and inserting "$2,500,000";

(8) by amending paragraph (8) to read as follows:

"(8) ASSISTANCE TO RURAL AREAS, LABOR SURPLUS AREAS, AND LOW-INCOME AREAS.—In funding microloan programs, the Administration shall ensure that not less than 70 percent of the programs funded under this subsection will provide microloans to small business concerns and entrepreneurs located in rural areas, labor surplus areas, and low-income areas.";

(9) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively;

(10) by inserting after paragraph (8) the following:

"(9) TECHNICAL ASSISTANCE FOR INTERMEDIARIES.—

"(A) IN GENERAL.—The Administration may procure technical assistance for intermediaries participating in the Microloan Demonstration Program to ensure that such intermediaries have the knowledge, skills, and understanding of microlending practices necessary to operate successful microloan programs.

"(B) ASSISTANCE AMOUNT.—The Administration shall transfer 3 percent of its annual appropriation for loans under this subsection to the Administration's Salaries and Expense Account for the specific purpose of providing 1 or more technical assistance grants to experienced microlending organizations to achieve the purpose set forth in subparagraph (A)."; and

(11) in paragraph (11), as redesignated—

(A) by amending subparagraph (A) to read as follows:

"(A) the term 'intermediary' means—

"(i) a private, nonprofit entity;

"(ii) a nonprofit community development corporation;

"(iii) a consortium of private, nonprofit organizations or nonprofit community development corporations; or

"(iv) a quasi-governmental economic development entity (such as a planning and development district), other than a State, county, municipal government, or any agency thereof, if—

"(I) no application is received from an eligible nonprofit organization; or

"(II) the Administration determines that the needs of a region or geographic area are not adequately served by an existing, eligible nonprofit organization that has submitted an application,

that seeks to borrow or has borrowed funds from the Administration to make microloans to small business concerns under this subsection;";

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

"(D) the term 'low-income area' means—

"(i) a county or parish; or

"(ii) a census tract or block numbering area within a central city of a metropolitan area,

in which not less than 20 percent of the population has an annual income below the poverty level, as determined by the most recently available census data; and

"(E) the term 'labor surplus area' means an area designated as such by the Secretary of Labor.".

(b) EFFECTIVE DATES.—The amendments made by paragraphs (4) and (5) of subsection (a) shall become effective on October 1, 1992.

SEC. 114. REGULATIONS.

Not later than 45 days after the date of enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the amendments made by this subtitle.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following new subsection:

"(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out the program established under section 7(m), there are authorized to be appropriated to the Small Business Administration—

"(1) for fiscal year 1992—

"(A) $45,000,000, to be used for the provision of loans; and

"(B) $10,000,000, to be used for the provision of grants;

"(2) for fiscal year 1993—

"(A) $80,000,000, to be used for the provision of loans; and

"(B) $25,000,000, to be used for the provision of grants; and

"(3) for fiscal year 1994—

"(A) $60,000,000, to be used for the provision of loans; and

"(B) $35,000,000, to be used for the provision of grants.".

(b) REPEAL OF EXISTING PROVISION.—Section 609 of Public Law 102-140 (105 Stat. 831) is amended by striking subsection (l).

TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS

Subtitle A—Small Business Competitiveness Demonstration Program

SEC. 201. EXTENSION OF DEMONSTRATION PROGRAMS.

(a) SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.—Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3889) is amended to read as follows:

"(c) PROGRAM TERM.—The Program shall commence on January 1, 1989, and terminate on September 30, 1996.".

(b) ALTERNATIVE PROGRAM FOR CLOTHING AND TEXTILES.—Section 721(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3895) is amended by striking "September 30, 1992" and inserting "September 30, 1996".

(c) EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "During fiscal years 1989, 1990, 1991, and 1992, the" and inserting "The"; and

(2) by inserting before the period at the end ", commencing on October 1, 1989 and terminating on September 30, 1996".

SEC. 202. MANAGEMENT IMPROVEMENTS TO THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IMPLEMENTATION ON A FISCAL YEAR BASIS.—Section 712(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3890) is amended—

(1) in paragraph (1), by striking "4 quarters" in the third sentence and inserting "4 fiscal year quarters"; and

(2) in paragraph (3), by inserting "fiscal year" before "quarter".

(b) TARGETED APPLICATION OF REMEDIAL MEASURES.—Section 713(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) is amended—

(1) in the first sentence, by striking "to the extent necessary for such agency to attain its goal" and inserting "only at those buying activities of the participating agency that failed to attain the small business participation goal required by section 712(a)";

(2) by striking the third sentence; and

(3) by inserting after the first sentence, the following new sentence: "Upon determining that its contract awards to small business concerns again meet the goals required by section 712(a), a participating agency shall promptly resume the use of unrestricted solicitations pursuant to subsection (a).".

(c) RELATIONSHIP TO RELATED LAW.—Section 713 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(d) RELATIONSHIP TO OTHER APPLICABLE LAW.—Solicitations for the award of contracts for architectural and engineering services (including surveying and mapping) issued by a Military Department or a Defense agency shall comply with the requirements of subsections (a) and (b) of section 2855 of title 10, United States Code.".

(d) SUBCONTRACTING ACTIVITY.—Section 714 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) SUBCONTRACTING ACTIVITY.—

"(1) SIMPLIFIED DATA COLLECTION SYSTEM.—The Administrator for Federal Procurement Policy shall develop and implement a simplified system to collect data on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) as other than prime contractors.

"(2) PARTICIPATING INDUSTRIES.—The system established under paragraph (1) shall be used to collect data regarding contracts for architectural and engineering services (including surveying and mapping). The Administrator for Federal Procurement Policy may expand such system to collect data regarding such other designated industry groups as deemed appropriate.

"(3) PARTICIPATING AGENCIES.—As part of the system established under paragraph (1) data shall be collected from—

"(A) the Environmental Protection Agency;

"(B) the National Aeronautics and Space Administration;

"(C) the United States Army Corps of Engineers (Civil Works); and

"(D) the Department of Energy.

The Administrator for Federal Procurement Policy may require the participation of additional departments or agencies from the list of participating agencies designated in section 718.

"(4) DETERMINING SMALL BUSINESS PARTICIPATION RATES.—The value of other than prime contract awards to small business concerns furnishing architectural and engineering services (including surveying and mapping) (or other services provided by small business concerns in other designated industry groups as may be designated for participation by the Administrator for Federal Procurement) shall be counted towards determining whether the small business participation goal required by section 712(a) has been attained.

"(5) DURATION.—The system described in subsection (a) shall be established not later than October 1, 1992 (or as soon as practicable thereafter on the first day of a subsequent quarter of fiscal year 1993), and shall terminate on September 30, 1996.".

(e) STATUS OF SMALL BUSINESS CONCERNS.—Section 714(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) (as redesignated by subsection (d)) is amended—

(1) in the subsection heading, by inserting "AND STATUS" after "SIZE";

(2) by inserting "and the status of the small business concern (as a small business concern owned and controlled by socially and economically disadvantaged individuals)" after "size of the small business concern".

(f) REPORTS TO CONGRESS.—Section 716 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3893) is amended—

(1) in the section heading, by striking "**REPORT**" and inserting "**REPORTS**";

(2) in the first sentence of subsection (a), by striking "fiscal year 1991 data is" and inserting "data for fiscal year 1991 and 1995 are"; and

(3) in subsection (c), by striking "report" and inserting "report to be submitted during calendar year 1996".

(g) IMPROVING ACCURACY OF DATA PERTAINING TO A-E SERVICES.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3894) is amended by inserting before the period at the end the following: ", and such contract was awarded under the qualification-based selection procedures required by title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)".

(h) PROCUREMENT PROCEDURES.—Restricted competitions pursuant to section 713(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) shall not be imposed with respect to the designated industry group of architectural and engineering services if the rate of small business participation exceeds 35 percent, until the improvements to the collection of data regarding prime contract awards (as required by subsection (g)) and the system for collecting data regarding other than prime contract awards (as required by subsection (d)) have been implemented, as determined by the Administrator for Federal Procurement Policy.

(i) TEST PLAN AND POLICY DIRECTION.—The Administrator for Federal Procurement Policy shall issue appropriate modifications to the test plan and policy direction issued pursuant to section 715 of the Small Business Competitiveness Demonstration Program Act of 1988, to conform to the amendments made by this section and section 201(a).

SEC. 203. AMENDMENTS TO THE DREDGING DEMONSTRATION PROGRAM.

(a) MODIFICATION OF THE SMALL BUSINESS PARTICIPATION GOALS.—The first sentence of section 722(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3895) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) 20 percent during fiscal year 1993, and each subsequent year during the term of the program, including 5 percent of the dollar value of suitable contracts that shall be reserved for emerging small business concerns.".

(b) EXCLUSION OF CERTAIN CONTRACTS.—Section 722(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is further amended—

(1) by striking "total dollar value of contracts" and inserting "aggregate value of all suitable contracts"; and

(2) by striking the last sentence and inserting the following: "The total value of contracts to be performed exclusively through the use of so-called dustpan dredges or seagoing hopper dredges is deemed to be generally unsuitable for performance by small business concerns and is to be excluded in calculating whether the rates of small business participation specified in subsection (b) have been attained.".

(c) QUALIFIED SMALL BUSINESS COMPETITORS.—Section 722(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Prior to making a determination to restrict a solicitation for the performance of a dredging contract for exclusive competition among 2 or more eligible small business concerns in accordance with section 19.5 of the Government-wide Federal Procurement Regulation (48 C.F.R. 19.5, or any successor thereto), the contracting officer shall make a determination that each anticipated offeror is a responsible source (as defined under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)) and has (or can demonstrate the capability to obtain) the specialized dredging equipment deemed necessary to perform the work to be required in accordance with the schedule to be specified in the solicitation.".

(d) REPORTS.—Section 722(f) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is amended—

(1) in paragraph (1), by striking "September 30, 1992" and inserting "September 30, 1995"; and

(2) in paragraph (2), by striking "of the fiscal years 1989, 1990, and 1991" and inserting "fiscal year during the term of the program established under subsection (a)".

Subtitle B—Defense Economic Transition Assistance

SEC. 211. SECTION 7(a) LOAN PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(21)(A) The Administration may make loans under the authority of this subsection—

"(i) to a small business concern that has been (or can reasonably be expected to be) detrimentally affected by—

"(I) the closure (or substantial reduction) of a Department of Defense installation; or

"(II) the termination (or substantial reduction) of a Department of Defense program on which such small business was a prime contractor or subcontractor (or supplier) at any tier; or

"(ii) to a qualified individual seeking to establish (or acquire) and operate a small business concern.

"(B) Recognizing that greater risk may be associated with a loan to a small business concern described in subparagraph (A)(i), any reasonable doubts concerning the firm's proposed business plan for transition to nondefense-related markets shall be resolved in favor of the loan applicant when making any determination regarding the sound value of the proposed loan in accordance with paragraph (6).

"(C) Loans pursuant to this paragraph shall be authorized in such amounts as provided in advance in appropriation Acts for the purposes of loans under this paragraph.

"(D) For purposes of this paragraph a qualified individual is—

"(i) a member of the Armed Forces of the United States, honorably discharged from active duty involuntarily or pursuant to a program providing bonuses or other inducements to encourage voluntary separation or early retirement;

"(ii) a civilian employee of the Department of Defense involuntarily separated from Federal service or retired pursuant to a program offering inducements to encourage early retirement; or

"(iii) an employee of a prime contractor, subcontractor, or supplier at any tier of a Department of Defense program whose employment is involuntarily terminated (or voluntarily terminated pursuant to a program offering inducements to encourage voluntary separation or early retirement) due to the termination (or substantial reduction) of a Department of Defense program.".

SEC. 212. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively; and

(3) by inserting before subparagraph (H) the following new subparagraph:

"(G) assisting small businesses to develop and implement strategic business plans to timely and effectively respond to the planned closure (or reduction) of a Department of Defense facility within the community, or actual or projected reductions in such firms' business base due to the actual or projected termination (or reduction) of a Department of Defense program or a contract in support of such program—

"(i) by developing broad economic assessments of the adverse impacts of—

"(I) the closure (or reduction) of the Department of Defense facility on the small business concerns providing goods or services to such facility or to the military and civilian personnel currently stationed or working at such facility; and

"(II) the termination (or reduction) of a Department of Defense program (or contracts under such program) on the small business concerns participating in such program as a prime contractor, subcontractor or supplier at any tier;

"(ii) by developing, in conjunction with appropriate Federal, State, and local governmental entities and other private sector organizations, the parameters of a transition adjustment program adaptable to the needs of individual small business concerns;

"(iii) by conducting appropriate programs to inform the affected small business community regarding the anticipated adverse impacts identified under clause (i) and the economic adjustment assistance available to such firms; and

"(iv) by assisting small business concerns to develop and implement an individualized transition business plan.".

Subtitle C—Small Business Administration Management

SEC. 221. DISADVANTAGED SMALL BUSINESS STATUS DECISIONS.

(a) PUBLICATION OF DECISIONS.—A decision issued pursuant to section 7(j)(11)(F)(vii) of the Small Business Act (15 U.S.C. 636(j)(11)(F)(vii)) shall—

(1) be made available to the protestor, the protested party, the contracting officer (if not the protestor), and all other parties to the proceeding, and published in full text; and

(2) include findings of fact and conclusions of law, with specific reasons supporting such findings or conclusions, upon each material issue of fact and law of decisional significance regarding the disposition of the protest.

(b) PRECEDENTIAL VALUE OF PRIOR DECISIONS.—A decision issued under section 7(j)(11)(F)(vii) of the Small Business Act that is issued prior to the date of enactment of this Act shall not have value as precedent in deciding any subsequent protest until such time as the decision is published in full text.

SEC. 222. ESTABLISHMENT OF SIZE STANDARDS.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by striking "In addition" and all that follows through the end period and by adding at the end the following new paragraphs:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards (by number of employees or dollar volume of business) by which a business concern is to be recognized as a small business concern for the purposes of this Act or any other Act. Unless specifically authorized by statute, the Secretary of a department or the head of a Federal agency may not prescribe for the use of such department or agency a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining, over a period of not less than 3 years—

"(i) the size of a manufacturing concern on the basis of the number of its employees during that period; and

"(ii) the size of a concern providing services on basis of the average gross receipts of the concern during that period; and

"(C) is approved by the Administrator.

"(3) When establishing or approving any size standard pursuant to paragraph (2), the Administrator shall ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries and consider other factors deemed to be relevant by the Administrator.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue proposed regulations to implement the amendments made by subsection (a). Final regulations shall be issued not later than 270 days after such date of enactment.

(2) LISTING OF ADDITIONAL SIZE STANDARDS.—The regulations required by paragraph (1) shall include a listing of all small business size standards prescribed by statute or by individual Federal departments and agencies, identifying the programs or purposes to which such size standards apply.

SEC. 223. MANAGEMENT OF SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committees on Small Business and the Committees on Appropriations of the Senate and the House of Representatives, proposed regulations for the Small Business Development Program authorized by section 21 of the Small Business Act (15 U.S.C. 648). Such proposed regulations shall not be published in the Federal Register.

Subtitle D—Technical Amendments

SEC. 231. COMMISSION ON MINORITY BUSINESS DEVELOPMENT.

(a) TERMINATION.—Section 505(f) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 636 note; 102 Stat. 3887) is amended by inserting before the period at the end "or September 30, 1992, whichever is later".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if it were included in the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 636 note).

SEC. 232. TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO SECTION 8.—Section 8 of the Small Business Act (15 U.S.C. 837) is amended—

(1) in subsection (a)(1)(B), by striking the period and inserting a semicolon;

(2) in subsection (a)(1)(C), by striking the period and inserting "; and";

(3) in subsection (a)(6)(C)(i), by striking "to (A)" and inserting "to subparagraph (A)";

(4) in subsection (a)(6)(C)(ii), by striking "7(j)(10)(H)" and inserting "7(j)(10)(G)";

(5) in subsection (a)(12)(E), by striking "to (D)" and inserting "to subparagraph (D)";

(6) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(7) by inserting after subsection (b) the following:

"(c) [Reserved].";

(8) in subsection (d)(4)(F)(ii) (as redesignated by paragraph (6) of this subsection), by striking "impositon" and inserting "imposition"; and

(9) in subsection (h)(2) (as redesignated by paragraph (6) of this subsection), by striking "Administration" and inserting "Administrative".

(b) AMENDMENTS TO SECTION 15.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (c)(2)(B), by striking "Blindmade" and inserting "Blind-made";

(2) in paragraphs (3) and (5) of subsection (k), by striking the semicolon and inserting a comma;

(3) in subsection (l)(6), by adding a period at the end; and

(4) in subsection (m)(2)(B), by striking "requirement" and inserting "requirements".

TITLE III—STUDIES AND RESOLUTIONS

Subtitle A—Access to Surety Bonding

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 302. SURVEY.

(a) IN GENERAL.—The Comptroller General shall conduct a comprehensive survey of business firms, including using a questionnaire described in subsection (b), to obtain data on the experiences of such firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety firms.

(b) CONTENT OF SURVEY QUESTIONNAIRE.—In addition to such other questions as the Comptroller General deems appropriate to ensure a comprehensive survey under subsection (a), the questionnaire used by the Comptroller General shall include questions to obtain information from a surveyed business on—

(1) the frequency with which the firm was requested to provide a corporate surety bond in fiscal year 1992;

(2) whether the frequency with which the firm was requested to provide a corporate surety

bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(3) the frequency with which the firm provided a corporate surety bond in fiscal year 1992;

(4) whether the frequency with which the firm provided a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(5) the average size of corporate surety bonds provided by the firm in fiscal year 1992;

(6) whether the average size of the corporate surety bonds provided by the firm increased or decreased during fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(7) the dollar amount of the largest corporate surety bond provided by the firm in fiscal year 1992;

(8) whether the dollar amount of the largest corporate surety bond provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(9) the dollar amount of work performed by the firm by type of construction owner, including the Federal Government, State and local governments, other public entities, and private entities, in each of fiscal years 1990, 1991, and 1992;

(10) the dollar amount of such work bonded by a corporate surety company for the firm by type of construction owner, including construction owners referred to in paragraph (9), for each of fiscal years 1990, 1991, and 1992;

(11) whether the firm purchased its corporate surety bonds through an insurance agent or directly from a surety company;

(12) the means used by the firm to identify its source for the purchase of corporate surety bonds;

(13) the average corporate surety bond premium (expressed as a percentage of contract amount) paid by the firm in fiscal year 1992;

(14) any increase or decrease in the average corporate surety bond premium (expressed as a percentage of the contract amount) paid by the firm in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(15) whether or not the underwriting requirements (including state of accounts receivable, financial procedures, need for personal indemnification, and requirements for collateral) changed in fiscal year 1990, 1991, or 1992;

(16) the nature of any changes in underwriting requirements experienced by the firm in fiscal years 1990, 1991, and 1992 and the reason for any such changes, if known;

(17) whether or not the source of surety bonds (a surety agent or company) provided reasons for such changes in underwriting requirements and whether these reasons were provided orally or in writing;

(18) whether or not the bonding capacity (total dollar amount and number of bonds) for the firm changed in fiscal year 1990, 1991, or 1992;

(19) whether or not the source of surety bonds (a surety agent or company) provided reasons for any changes in bonding capacity and whether these reasons were provided orally or in writing;

(20) the services provided and advice given by the firm's source of corporate surety bonds in fiscal years 1990, 1991, and 1992;

(21) whether or not the firm obtained a corporate surety bond with the assistance of a Federal program (such as the surety bond guarantee program of the Small Business Administration and the bonding assistance program of the Department of Transportation) or a State or local program in fiscal year 1990, 1991, or 1992;

(22) whether or not the firm used any alternative to corporate surety bonds (such as individual surety bonds, letters of credit, certificates of deposit, and government securities) in fiscal year 1990, 1991, or 1992;

(23) if the firm has not provided any corporate surety bonds in fiscal year 1990, 1991, or 1992, the reasons the firm has not done so;

(24) the number of times the firm has had an application for a corporate surety bond denied in fiscal years 1990, 1991, and 1992, and the reason for any such denial, if known;

(25) whether or not the proposed source for the corporate surety bond (a surety agent or company) provided the reasons for its denial of that application and whether that explanation was provided orally or in writing;

(26) the length of time the firm has been in business;

(27) the number of years of construction experience of the firm's officers (if a corporation), partners, or owner (if a sole proprietorship), and those responsible for managing the execution of the firm's construction operations, and how many years of such experience is in the type of construction that provides the majority of the firm's annual sales volume;

(28) the approximate annual sales volume of the firm in fiscal years 1990, 1991, and 1992;

(29) the net worth (total assets less total liabilities) of the firm at the close of the firm's most recent fiscal year;

(30) the working capital (current assets less current liabilities) of the firm at the close of the firm's most recent fiscal year;

(31) the average age of the firm's accounts receivable (the average number of days required to collect payments due);

(32) whether the firm made a profit in fiscal year 1990, 1991, or 1992;

(33) the form and frequency of such firm's financial statements (statements audited and certified by an independent certified public accountant, statements reviewed by such a certified public accountant, compilation financial statements, or other forms of financial statements), and whether such statements were furnished with applications for bonding, if requested; and

(34) the 4-digit standard industrial classification code in which the firm performs the majority of its work.

(c) FIRMS TO BE SURVEYED.—The Comptroller General shall develop a statistically valid sample of business firms from the most recent list of construction firms maintained by the Dun and Bradstreet Company (identified as the "DUN Market Identifier" file) for which data regarding sales is available.

SEC. 303. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General, in consultation with the Small Business Administration, shall conduct an assessment of the data obtained in the survey conducted pursuant to section 302 and submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of such assessment.

(b) CONTENTS OF THE REPORT.—

(1) IN GENERAL.—The report required by subsection (a) shall contain—

(A) a summary of responses of business firms to the survey conducted pursuant to section 302; and

(B) a description of any trends found by the Comptroller General in such responses.

(2) INFORMATION ON SMALL BUSINESS CONCERNS.—In presenting summaries of responses and descriptions of trends pursuant to paragraph (1), the Comptroller General shall provide specific information on the responses and trends of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.

SEC. 304. DEFINITIONS.

For purposes of this subtitle—

(1) the term "fiscal year" means the fiscal year of the business firm being surveyed;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)) (as redesignated by section 232(a)(6) of this Act); and

(4) the term "small business concern owned and controlled by women" has the same meaning as in section 127(d) of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 637 note).

Subtitle B—Small Business Loan Secondary Market Study

SEC. 311. SECONDARY MARKET FOR LOANS TO SMALL BUSINESSES.

(a) STUDY.—The Secretary of the Treasury, the Director of the Congressional Budget Office, and the Chairman of the Securities and Exchange Commission, in consultation with the Administrator of the Small Business Administration, shall conduct a study of the potential benefits of, and legal, regulatory, and market-based barriers to, developing a secondary market for loans to small businesses. The study shall include consideration of—

(1) market perceptions and the reasons for the slow development of a secondary market for loans to small businesses;

(2) any means to standardize loan documents and underwriting for loans to small businesses relating to retail and office space;

(3) the probable effects of the development of a secondary market for loans to small businesses on financial institutions and intermediaries, borrowers, lenders, real estate markets, and the credit markets generally;

(4) legal and regulatory barriers that may be impeding the development of a secondary market for loans to small businesses; and

(5) the risks posed by investments in loans to small businesses.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury, the Director of the Congressional Budget Office, and the Chairman of the Securities and Exchange Commission shall transmit to the Congress a report on the results of the study under paragraph (1). The report shall include recommendations for legislation to facilitate the development of a secondary market for loans to small businesses.

Subtitle C—Contract Bundling Study

SEC. 321. CONTRACT BUNDLING STUDY.

(a) IN GENERAL.—The Administrator of the Small Business Administration, acting through the Associate Administrator for Procurement Assistance, shall conduct a study regarding the impact of the practice known as "contract bundling" on the participation of small business concerns in the Federal procurement process.

(b) PURPOSE.—In addition to such other matters as the Associate Administrator for Procurement Assistance deems appropriate to assure the conduct of a comprehensive study and the development of practical recommendations, the study required by subsection (a) shall—

(1) identify the benefits and adverse effects of contract bundling to the procuring agencies;

(2) identify the benefits and adverse effects of contract bundling on small business concerns;

(3) examine the adequacy of the policy direction to agency procurement officials regarding the bundling of contract requirements;

(4) examine the extent to which agencies have been combining their requirements for the procurement of goods and services (including construction) into solicitations requiring an offeror to be able to perform increasingly larger contracts covering multiple and diverse elements of performance;

(5) consider the appropriateness of the explanatory statements submitted by the procuring agencies pursuant to section 15(a) of the Small Business Act regarding bundling of contract requirements; and

(6) determine whether procurement center representatives, small business specialists, or other agency procurement officials can, under existing guidance and authority, have the necessary policy direction and effective authority to make an independent assessment regarding a proposed bundling of contract requirements.

(c) PARTICIPATION.—

(1) IN GENERAL.—In conducting the study described in subsection (b), the Associate Administrator for Procurement Assistance shall provide for participation by representatives of—

(A) the Office of the Chief Counsel for Advocacy;

(B) the Office of Federal Procurement Policy; and

(C) the 10 Federal departments or agencies having the greatest dollar value of procurement awards during fiscal year 1991.

(2) ADDITIONAL CONSULTATION.—In conducting the study, the Associate Administrator for Procurement Assistance shall consult with representatives of organizations representing small business government contractors and such other public and private entities as may be appropriate.

(d) SCHEDULE.—Not later than 90 days after the date of enactment of this Act, the Associate Administrator for Procurement Assistance shall publish in the Federal Register a plan for the study required by this section. The study shall be completed not later than March 31, 1993.

(e) REPORT.—Not later than May 15, 1993, the Administrator of the Small Business Administration shall submit a report to the Committees on Small Business of the Senate and the House of Representatives. The report shall contain the results of the study required by subsection (a), together with recommendations for legislative and regulatory changes to maintain small business participation in the Federal procurement process, as the Administrator deems appropriate.

(f) DEFINITION.—For purposes of this section, the term "contracting bundling" or "bundling of contract requirements" refers to the practice of consolidating into a single large contract solicitation multiple procurement requirements that were previously solicited and awarded as separate smaller contracts, generally resulting in a contract opportunity unsuitable for award to a small business concern due to the diversity and size of the elements of performance specified and the aggregate dollar value of the anticipated award.

Subtitle D—Resolution Regarding Small Business Access to Capital

SEC. 331. SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) small business concerns remain a thriving and vital part of the economy, accounting for the majority of new jobs, new products, and new services created in the United States;

(2) adequate access to either debt or equity capital is a critical component of small business formation, expansion, and success;

(3) small business concerns, which represent higher degrees of risk in financial markets than do large businesses, are experiencing increased difficulties in obtaining credit;

(4) minority-owned business enterprises have found extraordinary difficulties in obtaining credit; and

(5) demand for credit under the loan guarantee program contained in section 7(a) of the Small Business Act is insufficient to meet current demands.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) financial institutions should expand their efforts to provide credit to small business concerns, with special emphasis on minority-owned small business concerns;

(2) legislation and regulations considered by the Congress should be carefully examined to ensure that small business concerns are not negatively impacted; and

(3) legislation and regulations that enhance the viability of small business concerns, including changes in tax and health care policy, should be given a priority for passage by the Congress.

Amend the title so as to read: "An Act to amend the Small Business Act and related Acts to provide loan assistance to small business concerns, to extend certain demonstration programs relating to small business participation in Federal procurement, to modify certain Small Business Administration programs, to assist small firms to adjust to reductions in Defense-related business, to improve the management of certain program activities of the Small Business Administration, to provide for the undertaking of certain studies, and for other purposes.".

House amendment to Senate amendments: In lieu of the language proposed by the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Credit and Business Opportunity Enhancement Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act shall be as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

Sec. 101. Short title.
Sec. 102. Authorizations.
Sec. 103. Buy American preference.
Sec. 104. State limitations on interest rates.

Subtitle B—Microloan Demonstration Program Amendments

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Microloan demonstration program amendments.
Sec. 114. Regulations.
Sec. 115. Authorization of appropriations.

TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS

Subtitle A—Small Business Competitiveness Demonstration Program

Sec. 201. Extension of demonstration programs.
Sec. 202. Management improvements to the small business competitiveness demonstration program.
Sec. 203. Amendments to the dredging demonstration program.

Subtitle B—Defense Economic Transition Assistance

Sec. 211. Section 7(a) loan program.
Sec. 212. Small business development center program.

Subtitle C—Small Business Administration Management

Sec. 221. Disadvantaged small business status decisions.
Sec. 222. Establishment of size standards.
Sec. 223. Management of Small Business Development Center Program.
Sec. 224. National Seminar on Small Business Exports.
Sec. 225. Co-sponsored training.
Sec. 226. Viability of Secondary Markets.

Subtitle D—Technical Amendments and Repealers

Sec. 231. Commission on minority business development.

TITLE III—STUDIES AND RESOLUTIONS

Subtitle A—Access to Surety Bonding

Sec. 301. Short title.
Sec. 302. Survey.
Sec. 303. Report.
Sec. 304. Definitions.

Subtitle B—Small Business Loan Secondary Market Study

Sec. 311. Secondary market for loans to small businesses.

Subtitle C—Contract Bundling Study

Sec. 321. Contract bundling study.

Subtitle D—Resolution Regarding Small Business Access to Capital

Sec. 331. Sense of the Congress.

TITLE IV—SMALL BUSINESS INVESTMENT ACT AMENDMENTS

Sec. 401. Short Title.
Sec. 402. Leverage (Matching Funds) Formula.
Sec. 403. Participating Securities.
Sec. 404. Pooling.
Sec. 405. Authorizations.
Sec. 406. Safety and Soundness.
Sec. 407. Examinations.
Sec. 408. Non-Financed SBICs.
Sec. 409. Minimum Capital.
Sec. 410. Definitions.
Sec. 411. Interest Rate Ceiling.
Sec. 412. Preferred Partnership Interests.
Sec. 413. Indirect Funds From State or Local Governments.
Sec. 414. SBIC Approvals.
Sec. 415. Implementation.
Sec. 416. Buy America.
Sec. 417. Studies and Reports.
Sec. 418. No Effect on Securities Laws.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Small Business Credit Crunch Relief Act of 1992".

SEC. 102. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4) Except as may be otherwise specifically provided by law, the amount of deferred participation loans authorized in this section—

"(A) shall mean the net amount of the loan principal guaranteed by the Small Business Administration (and does not include any amount which is not guaranteed); and

"(B) shall be available for a national program, except that the Administration may use not more than an amount equal to 10 percent of the amount authorized each year for any special or pilot program directed to identified sectors of the small business community or to specific geographic regions of the United States.";

(2) by amending subsection (e)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $5,978,000,000 in deferred participation loans and other financing. Of such sum, the Administration is authorized to make—

"(A) $5,200,000,000 in general business loans, as provided in section 7(a);

"(B) $53,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $725,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.";

(3) amending subsection (g)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $7,030,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $6,200,000,000 in general business loans as provided in section 7(a);

"(B) $55,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $775,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958."; and

(4) by amending subsection (i)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $8,083,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $7,200,000,000 in general business loans, as provided in section 7(a);

"(B) $58,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $825,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.".

SEC. 103. BUY AMERICAN PREFERENCE.

In providing financial assistance with amounts appropriated pursuant to the amendments made by this Act, the Administrator of the Small Business Administration shall, when practicable, accord preference to small business concerns which use or purchase equipment and supplies produced in the United States. The Administrator shall also encourage small business concerns receiving such assistance to purchase such equipment and supplies.

SEC. 104. STATE LIMITATIONS ON INTEREST RATES.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by striking "The rate of interest on financings made on a deferred basis shall be legal and reasonable but" and inserting the following: "Notwithstanding the provisions of the constitution of any State or the laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the maximum legal rate of interest on any financing made on a deferred basis pursuant to this subsection".

Subtitle B—Microloan Demonstration Program Amendments

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Microlending Expansion Act of 1992".

SEC. 112. FINDINGS.

The Congress finds that—

(1) nationwide, there are many individuals who possess skills that, with certain short-term assistance, could enable them to become successfully self-employed;

(2) many talented and skilled individuals who are employed in low-wage occupations could, with sufficient opportunity, start their own small business concerns, which could provide them with an improved standard of living;

(3) most such individuals have little or no savings, a nonexistent or poor credit history, and no access to credit or capital with which to start a business venture;

(4) women, minorities, and individuals residing in areas of high unemployment and high levels of poverty have particular difficulty obtaining access to credit or capital;

(5) providing such individuals with small-scale, short-term financial assistance in the form of microloans, together with intensive marketing, management, and technical assistance, could enable them to start or maintain small businesses, to become self-sufficient, and to raise their standard of living;

(6) banking institutions are reluctant to provide such assistance because of the administrative costs associated with processing and servicing the loans and because they lack experience in providing the type of marketing, management, and technical assistance needed by such borrowers;

(7) many organizations that have had successful experiences in providing microloans and marketing, management, and technical assistance to such borrowers exist throughout the Nation; and

(8) loans from the Federal Government to intermediaries for the purpose of relending to start-up, newly established and growing small business concerns are an important catalyst to attract private sector participation in microlending.

SEC. 113. MICROLOAN DEMONSTRATION PROGRAM AMENDMENTS.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) by amending clause (i) to read as follows:

"(i) to assist women, low-income, and minority entrepreneurs and business owners and other such individuals possessing the capability to operate successful business concerns; and

(B) in clause (iii)(I), by inserting ", particularly loans in amounts averaging not more than $7,500," after "small-scale loans";

(2) in paragraph (3)(A)—

(A) by striking "As part of" and inserting the following:

"(i) IN GENERAL.—As part of";

(B) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(C) in subclause (III), as redesignated, by striking "economic and unemployment" and inserting "economic, poverty, and unemployment";

(D) by amending subclause (VIII), as redesignated, to read as follows:

"(VIII) any plan to involve other technical assistance providers (such as counselors from the Service Corps of Retired Executives or small business development centers) or private sector lenders in assisting selected business concerns."; and

(E) by adding at the end the following:

"(ii) SELECTION OF INTERMEDIARIES.—In selecting intermediaries to participate in the program established under this subsection, the Administration shall give priority to those applicants that provide loans in amounts averaging not more than $7,500.";

(3) by amending paragraph (3)(F) to read as follows:

"(F) LOAN DURATION; INTEREST RATES.—

"(i) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years.

"(ii) APPLICABLE INTEREST RATES.—Except as provided in clause (iii), loans made by the Administration under this subsection to an intermediary shall bear an interest rate equal to 1.25 percentage points below 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.

"(iii) RATES APPLICABLE TO CERTAIN SMALL LOANS.—Loans made by the Administration to an intermediary that makes loans to small business concerns and entrepreneurs averaging not more than $7,500, shall bear an interest rate that is 2 percentage points below 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.

"(iv) RATES APPLICABLE TO MULTIPLE SITES OR OFFICES.—The interest rate prescribed in clause (ii) or (iii) shall apply to each separate loan-making site or office of 1 intermediary only if such site or office meets the requirements of that clause.

"(v) RATE BASIS.—The applicable rate of interest under this paragraph shall—

"(I) be applied retroactively for the first year of an intermediary's participation in the program, based upon the actual lending practices of the intermediary as determined by the Administration prior to the end of such year; and

"(II) be based in the second and subsequent years of an intermediary's participation in the program, upon the actual lending practices of the intermediary during the term of the intermediary's participation in the program.

"(vii) COVERED INTERMEDIARIES.—The interest rates prescribed in this subparagraph shall apply to all loans made to intermediaries under this subsection on or after October 28, 1991.";

(4) in paragraph (4)—

(A) in subparagraph (A), by striking "Subject to" and inserting "Except as otherwise provided in subparagraph (C) and subject to"; and

(B) by striking subparagraph (A) and inserting in lieu thereof:

"(A) GRANT AMOUNTS.—Except as otherwise provided in subparagraph (C) and subject to 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. Except as provided in subparagraph (C), each intermediary meeting the requirements of subparagraph (B) may receive a grant of not more than 25 percent of the total outstanding balance of loans made to it under this subsection.";

(c) in subparagraph (B), by striking "an amount equal to one-half of the amount of the grant" and inserting in lieu thereof "an amount equal to 25 percent of the amount of the grant";

(D) by adding at the end the following:

"(C) ADDITIONAL TECHNICAL ASSISTANCE GRANTS FOR MAKING CERTAIN LOANS.—

"(i) IN GENERAL.—Each intermediary that meets the requirements of subparagraph (C) and that has a portfolio of loans made under this subsection that averages not more than $7,500 during the period of the intermediary's participation in the program shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection, in addition to grants made under subparagraph (A).

"(ii) PURPOSES.—A grant awarded under clause (i) may be used to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection.

"(iii) CONTRIBUTION EXCEPTION.—The contribution requirements in subparagraph (B) do not apply to grants made under this subparagraph.

"(D) ELIGIBILITY FOR MULTIPLE SITES OR OFFICES.—The eligibility for a grant described in subparagraph (A) or (C) shall be determined separately for each loan-making site or office of 1 intermediary.";

(5) in paragraph (5)(A), by striking "2 grants" and inserting "6 grants";

(6) in paragraph (6), by amending subparagraph (C) to read as follows:

"(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 not exceed the rate of interest applicable to a loan made to an intermediary by the Administration—

"(i) in the case of a loan of more than $7,500 made by the intermediary to a small business

concern or entrepreneur by more than 7.75 percentage points; and

"(ii) in the case of a loan of not more than $7,500 made by the intermediary to a small business concern or entrepreneur by more than 8.5 percentage points.";

(7) in paragraph (7)—

(A) in subparagraph (A), by striking "35 microloan programs" and inserting "60 microloan programs";

(B) in subparagraph (B), by striking "25 additional" and inserting "50 additional";

(C) by amending subparagraph (C)(i) to read as follows:

"(i) be awarded more than 4 microloan programs in the first 2 years of the demonstration program nor more than 2 microloan programs in any year thereafter;";

(D) in subparagraph (C)(ii), by striking "$1,000,000" and inserting "$1,500,000"; and

(E) in subparagraph (C)(iii), by striking "$1,500,000" and inserting "$2,500,000";

(8) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively;

(9) by inserting after paragraph (8) the following:

"(9) TECHNICAL ASSISTANCE FOR INTERMEDIARIES.—

"(A) IN GENERAL.—The Administration may procure technical assistance for intermediaries participating in the Microloan Demonstration Program to ensure that such intermediaries have the knowledge, skills, and understanding of microlending practices necessary to operate successful microloan programs.

"(B) ASSISTANCE AMOUNT.—The Administration shall transfer 3 percent of its annual appropriation for loans under this subsection to the Administration's Salaries and Expense Account for the specific purpose of providing 1 or more technical assistance grants to experienced microlending organizations to achieve the purpose set forth in subparagraph (A)."; and

(10) in paragraph (11), as redesignated—

(A) by amending subparagraph (A) to read as follows:

"(A) the term 'intermediary' means—

"(i) a private, nonprofit entity;

"(ii) a nonprofit community development corporation;

"(iii) a consortium of private, nonprofit organizations or nonprofit community development corporations; or

"(iv) a quasi-governmental economic development entity (such as a planning and development district), other than a State, county, municipal government, or any agency thereof, if—

"(I) no application is received from an eligible nonprofit organization; or

"(II) the Administration determines that the needs of a region or geographic area are not adequately served by an existing, eligible nonprofit organization that has submitted an application,

that seeks to borrow or has borrowed funds from the Administration to make microloans to small business concerns under this subsection;";

(b) EFFECTIVE DATES.—The amendments made by paragraphs (4) and (5) of subsection (a) shall become effective on October 1, 1992.

SEC. 114. REGULATIONS.

Not later than 45 days after the date of enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the amendments made by this subtitle.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following new subsection:

"(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out the program established under section 7(m), there are authorized to be appropriated to the Small Business Administration—

"(1) for fiscal year 1992—

"(A) $45,000,000, to be used for the provision of loans; and

"(B) $10,000,000, to be used for the provision of grants;

"(2) for fiscal year 1993—

"(A) $80,000,000, to be used for the provision of loans; and

"(B) $25,000,000, to be used for the provision of grants; and

"(3) for fiscal year 1994—

"(A) $60,000,000, to be used for the provision of loans; and

"(B) $35,000,000, to be used for the provision of grants.".

(b) REPEAL OF EXISTING PROVISION.—Section 609 of Public Law 102-140 (105 Stat. 831) is amended by striking subsection (l).

TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS

Subtitle A—Small Business Competitiveness Demonstration Program

SEC. 201. EXTENSION OF DEMONSTRATION PROGRAMS.

(a) SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.—Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3889) is amended to read as follows:

"(c) PROGRAM TERM.—The Program shall commence on January 1, 1989, and terminate on September 30, 1996.".

(b) ALTERNATIVE PROGRAM FOR CLOTHING AND TEXTILES.—Section 721(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3895) is amended by striking "September 30, 1992" and inserting "September 30, 1996".

(c) EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "During fiscal years 1989, 1990, 1991, and 1992, the" and inserting "The"; and

(2) by inserting before the period at the end ", commencing on October 1, 1989 and terminating on September 30, 1996".

SEC. 202. MANAGEMENT IMPROVEMENTS TO THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IMPLEMENTATION ON A FISCAL YEAR BASIS.—Section 712(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3890) is amended—

(1) in paragraph (1), by striking "4 quarters" in the third sentence and inserting "4 fiscal year quarters"; and

(2) in paragraph (3), by inserting "fiscal year" before "quarter".

(b) TARGETED APPLICATION OF REMEDIAL MEASURES.—Section 713(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) is amended—

(1) in the first sentence, by striking "to the extent necessary for such agency to attain its goal" and inserting "only at those buying activities of the participating agency that failed to attain the small business participation goal required by section 712(a)";

(2) by striking the third sentence; and

(3) by inserting after the first sentence, the following new sentence: "Upon determining that its contract awards to small business concerns again meet the goals required by section 712(a), a participating agency shall promptly resume the use of unrestricted solicitations pursuant to subsection (a).".

(c) RELATIONSHIP TO RELATED LAW.—Section 713 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(d) RELATIONSHIP TO OTHER APPLICABLE LAW.—Solicitations for the award of contracts for architectural and engineering services (including surveying and mapping) issued by a Military Department or a Defense agency shall comply with the requirements of subsections (a) and (b) of section 2855 of title 10, United States Code.".

(d) SUBCONTRACTING ACTIVITY.—Section 714 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) SUBCONTRACTING ACTIVITY.—

"(1) SIMPLIFIED DATA COLLECTION SYSTEM.—The Administrator for Federal Procurement Policy shall develop and implement a simplified system to collect data on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) as other than prime contractors.

"(2) PARTICIPATING INDUSTRIES.—The system established under paragraph (1) shall be used to collect data regarding contracts for architectural and engineering services (including surveying and mapping). The Administrator for Federal Procurement Policy may expand such system to collect data regarding such other designated industry groups as deemed appropriate.

"(3) PARTICIPATING AGENCIES.—As part of the system established under paragraph (1) data shall be collected from—

"(A) the Environmental Protection Agency;

"(B) the National Aeronautics and Space Administration;

"(C) the United States Army Corps of Engineers (Civil Works); and

"(D) the Department of Energy.

The Administrator for Federal Procurement Policy may require the participation of additional departments or agencies from the list of participating agencies designated in section 718.

"(4) DETERMINING SMALL BUSINESS PARTICIPATION RATES.—The value of other than prime contract awards to small business concerns furnishing architectural and engineering services (including surveying and mapping) (or other services provided by small business concerns in other designated industry groups as may be designated for participation by the Administrator for Federal Procurement) shall be counted towards determining whether the small business participation goal required by section 712(a) has been attained.

"(5) DURATION.—The system described in subsection (a) shall be established not later than October 1, 1992 (or as soon as practicable thereafter on the first day of a subsequent quarter of fiscal year 1993), and shall terminate on September 30, 1996.".

(e) STATUS OF SMALL BUSINESS CONCERNS.—Section 714(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) (as redesignated by subsection (d)) is amended—

(1) in the subsection heading, by inserting "AND STATUS" after "SIZE";

(2) by inserting "and the status of the small business concern (as a small business concern owned and controlled by socially and economically disadvantaged individuals)" after "size of the small business concern".

(f) REPORTS TO CONGRESS.—Section 716 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3893) is amended—

(1) in the section heading, by striking "**report**" and inserting "**reports**";

(2) in the first sentence of subsection (a), by striking "fiscal year 1991 data is" and inserting "data for fiscal year 1991 and 1995 are"; and

(3) in subsection (c), by striking "report" and inserting "report to be submitted during calendar year 1996".

(g) IMPROVING ACCURACY OF DATA PERTAINING TO A-E SERVICES.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3894) is amended by inserting before the period at the end the following: ", and such contract was awarded under the qualification-based selection procedures required by title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)".

(h) PROCUREMENT PROCEDURES.—Restricted competitions pursuant to section 713(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) shall not be imposed with respect to the designated industry group of architectural and engineering services if the rate of small business participation exceeds 35 percent, until the improvements to the collection of data regarding prime contract awards (as required by subsection (g)) and the system for collecting data regarding other than prime contract awards (as required by subsection (d)) have been implemented, as determined by the Administrator for Federal Procurement Policy.

(i) TEST PLAN AND POLICY DIRECTION.—The Administrator for Federal Procurement Policy shall issue appropriate modifications to the test plan and policy direction issued pursuant to section 715 of the Small Business Competitiveness Demonstration Program Act of 1988, to conform to the amendments made by this section and section 201(a).

SEC. 203. AMENDMENTS TO THE DREDGING DEMONSTRATION PROGRAM.

(a) MODIFICATION OF THE SMALL BUSINESS PARTICIPATION GOALS.—The first sentence of section 722(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3895) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) not less than 20 percent during fiscal year 1993, and each subsequent year during the term of the program, including not less than 5 percent of the dollar value of suitable contracts that shall be reserved for emerging small business concerns.".

(b) EXCLUSION OF CERTAIN CONTRACTS.—Section 722(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is further amended—

(1) by striking "total dollar value of contracts" and inserting "aggregate value of all suitable contracts"; and

(2) by striking the last sentence and inserting the following: "The total value of contracts to be performed exclusively through the use of so-called dustpan dredges or seagoing hopper dredges is deemed to be generally unsuitable for performance by small business concerns and is to be excluded in calculating whether the rates of small business participation specified in subsection (b) have been attained.".

(c) QUALIFIED SMALL BUSINESS COMPETITORS.—Section 722(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Prior to making a determination to restrict a solicitation for the performance of a dredging contract for exclusive competition among 2 or more eligible small business concerns in accordance with section 19.5 of the Governmentwide Federal Procurement Regulation (48 C.F.R. 19.5, or any successor thereto), the contracting officer shall make a determination that each anticipated offeror is a responsible source (as defined under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)) and has (or can demonstrate the capability to obtain) the specialized dredging equipment deemed necessary to perform the work to be required in accordance with the schedule to be specified in the solicitation.".

(d) CONTRACT AWARD PROCEDURES.—Section 722(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is further amended—

(1) in the first sentence of paragraph (1), by striking "in paragraphs (2) and (3)" and inserting "in paragraphs (3) and (4)"; and

(2) in paragraph (4) (as redesignated by subsection (c)), by striking "attaining" and inserting "exceeding".

(e) REPORTS.—Section 722(f) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is amended—

(1) in paragraph (1), by striking "September 30, 1992" and inserting "September 30, 1995"; and

(2) in paragraph (2), by striking "of the fiscal years 1989, 1990, and 1991" and inserting "fiscal year during the term of the program established under subsection (a)".

Subtitle B—Defense Economic Transition Assistance

SEC. 211. SECTION 7(a) LOAN PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(21)(A) The Administration may make loans under the authority of this subsection—

"(i) to a small business concern that has been (or can reasonably be expected to be) detrimentally affected by—

"(I) the closure (or substantial reduction) of a Department of Defense installation; or

"(II) the termination (or substantial reduction) of a Department of Defense program on which such small business was a prime contractor or subcontractor (or supplier) at any tier; or

"(ii) to a qualified individual seeking to establish (or acquire) and operate a small business concern.

"(B) Recognizing that greater risk may be associated with a loan to a small business concern described in subparagraph (A)(i), any reasonable doubts concerning the firm's proposed business plan for transition to nondefense-related markets shall be resolved in favor of the loan applicant when making any determination regarding the sound value of the proposed loan in accordance with paragraph (6).

"(C) Loans pursuant to this paragraph shall be authorized in such amounts as provided in advance in appropriation Acts for the purposes of loans under this paragraph.

"(D) For purposes of this paragraph a qualified individual is—

"(i) a member of the Armed Forces of the United States, honorably discharged from active duty involuntarily or pursuant to a program providing bonuses or other inducements to encourage voluntary separation or early retirement;

"(ii) a civilian employee of the Department of Defense involuntarily separated from Federal service or retired pursuant to a program offering inducements to encourage early retirement; or

"(iii) an employee of a prime contractor, subcontractor, or supplier at any tier of a Department of Defense program whose employment is involuntarily terminated (or voluntarily terminated pursuant to a program offering inducements to encourage voluntary separation or early retirement) due to the termination (or substantial reduction) of a Department of Defense program.".

SEC. 212. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively; and

(3) by inserting before subparagraph (H) the following new subparagraph:

"(G) assisting small businesses to develop and implement strategic business plans to timely and effectively respond to the planned closure (or reduction) of a Department of Defense facility within the community, or actual or projected reductions in such firms' business base due to the actual or projected termination (or reduction) of a Department of Defense program or a contract in support of such program—

"(i) by developing broad economic assessments of the adverse impacts of—

"(I) the closure (or reduction) of the Department of Defense facility on the small business concerns providing goods or services to such facility or to the military and civilian personnel currently stationed or working at such facility; and

"(II) the termination (or reduction) of a Department of Defense program (or contracts under such program) on the small business concerns participating in such program as a prime contractor, subcontractor or supplier at any tier;

"(ii) by developing, in conjunction with appropriate Federal, State, and local governmental entities and other private sector organizations, the parameters of a transition adjustment program adaptable to the needs of individual small business concerns;

"(iii) by conducting appropriate programs to inform the affected small business community regarding the anticipated adverse impacts identified under clause (i) and the economic adjustment assistance available to such firms; and

"(iv) by assisting small business concerns to develop and implement an individualized transition business plan.".

Subtitle C—Small Business Administration Management

SEC. 221. DISADVANTAGED SMALL BUSINESS STATUS DECISIONS.

(a) PUBLICATION OF DECISIONS.—A decision issued pursuant to section 7(j)(11)(F)(vii) of the Small Business Act (15 U.S.C. 636(j)(11)(F)(vii)) shall—

(1) be made available to the protestor, the protested party, the contracting officer (if not the protestor), and all other parties to the proceeding, and published in full text; and

(2) include findings of fact and conclusions of law, with specific reasons supporting such findings or conclusions, upon each material issue of fact and law of decisional significance regarding the disposition of the protest.

(b) PRECEDENTIAL VALUE OF PRIOR DECISIONS.—A decision issued under section 7(j)(11)(F)(vii) of the Small Business Act that is issued prior to the date of enactment of this Act shall not have value as precedent in deciding any subsequent protest until such time as the decision is published in full text.

SEC. 222. ESTABLISHMENT OF SIZE STANDARDS.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by striking "In addition" and all that follows through the end period and by adding at the end the following new paragraphs:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards (by number of employees or dollar volume of business) by which a business concern is to be recognized as a small business concern for the purposes of this Act or any other Act. Unless specifically authorized by statute, the Secretary of a department or the head of a Federal agency may not prescribe for the use of such department or agency a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining, over a period of not less than 3 years—

"(i) the size of a manufacturing concern on the basis of the number of its employees during that period; and

"(ii) the size of a concern providing services on the basis of the average gross receipts of the concern during that period; and

"(C) is approved by the Administrator.

"(3) When establishing or approving any size standard pursuant to paragraph (2), the Administrator shall ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries and consider other factors deemed to be relevant by the Administrator.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue proposed regulations to implement the amendments made by subsection (a). Final regulations shall be issued not later than 270 days after such date of enactment.

(2) LISTING OF ADDITIONAL SIZE STANDARDS.—The regulations required by paragraph (1) shall include a listing of all small business size standards prescribed by statute or by individual Federal departments and agencies, identifying the programs or purposes to which such size standards apply.

SEC. 223. MANAGEMENT OF SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) Section 21(a)(3) of the Small Business Act (15 U.S.C. 648) is amended by adding the following at the end thereof:

"(A) Small business development centers are authorized to form an association to pursue matters of common concern. If more than a majority of the small business development centers which are operating pursuant to agreements with the Administration are members of such an association, the Administration is authorized and directed to recognize the existence and activities of such an association and to consult with it and develop documents (i) announcing the annual scope of activities pursuant to this section, (ii) requesting proposals to deliver assistance as provided in this section and (iii) governing the general operations and administration of the Small Business Development Center Program, specifically including the development of regulations and a uniform negotiated cooperative agreement for use on an annual basis when entering into individual negotiated agreements with small business development centers.

"(B) Provisions governing audits, cost principles and administrative requirements for Federal grants, contracts and cooperative agreements which are included in uniform requirements of Office of Management and Budget (OMB) Circulars shall be incorporated by reference and shall not be set forth in summary or other form in regulations.".

(b) Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committees on Small Business and the Committees on Appropriations of the Senate and the House of Representatives, proposed regulations for the Small Business Development Center Program authorized by section 21 of the Small Business Act (15 U.S.C. 648). Such proposed regulations shall not be published in the Federal Register.

SEC. 224. NATIONAL SEMINAR ON SMALL BUSINESS EXPORTS.

(a) SEMINAR.—The Administration shall conduct a National Seminar on Small Business Exports in Buffalo, New York, in connection with the World University Games Buffalo '93 during July, 1993, in order to develop recommendations designed to stimulate exports from small companies. The Seminar shall build upon the information collected by the Administration through previously conducted regional small business trade conferences and the prior conference in the State of Washington.

(b) ASSISTANCE BY EXPERTS.—For the purpose of ascertaining facts and developing policy recommendations concerning the expansion of United States exports from small companies, the Seminar shall bring together individuals who are experts in the fields of international trade and small business development and representatives of small businesses, associations, the labor community, academic institutions, and Federal, State and local governments.

(c) RECOMMENDATIONS CONCERNING UTILITY OF INTERNATIONAL CONFERENCE.—The Seminar shall specifically consider the utility of, and made recommendations regarding, a subsequent International Conference on small Business and Trade that would—

(1) help establish linkages between United States small business owners and small business owners in foreign countries;

(2) enabled United States small business owners to learn how others organize themselves for exporting; and

(3) foster greater consideration of small business concerns in the GATT and other international trade agreements to which the United States is a signatory.

SEC. 225. CO-SPONSORED TRAINING.

Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking "October 1, 1992" in the first sentence and inserting in lieu thereof "October 1, 1994".

SEC. 226. VIABILITY OF SECONDARY MARKETS.

The Administrator of the Small Business Administration is authorized and directed to take such actions in the awarding of contracts as is deemed necessary to assure the continued long term viability of the secondary markets in loans, debentures or other securities guaranteed by the Administration.

Subtitle D—Technical Amendments

SEC. 231. COMMISSION ON MINORITY BUSINESS DEVELOPMENT.

(a) TERMINATION.—Section 505(f) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 636 note; 102 Stat. 3887) is amended by inserting before the period at the end "or September 30, 1992, whichever is later".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if it were included in the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 636 note).

SEC. 232. TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO SECTION 8.—Section 8 of the Small Business Act (15 U.S.C. 837) is amended—

(1) in subsection (a)(1)(B), by striking the period and inserting a semicolon;

(2) in subsection (a)(1)(C), by striking the period and inserting "; and";

(3) in subsection (a)(6)(C)(i), by striking "to (A)" and inserting "to subparagraph (A)";

(4) in subsection (a)(6)(C)(ii), by striking "7(j)(10)(H)" and inserting "7(j)(10)(G)";

(5) in subsection (a)(12)(E), by striking "to (D)" and inserting "to subparagraph (D)";

(6) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(7) by inserting after subsection (b) the following:

"(c) [Reserved].";

(8) in subsection (d)(4)(F)(ii) (as redesignated by paragraph (6) of this subsection), by striking "impositon" and inserting "imposition"; and

(9) in subsection (h)(2) (as redesignated by paragraph (6) of this subsection), by striking "Administration" and inserting "Administrative".

(b) AMENDMENTS TO SECTION 15.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (c)(2)(B), by striking "Blindmade" and inserting "Blind-made";

(2) in paragraphs (3) and (5) of subsection (k), by striking the semicolon and inserting a comma;

(3) in subsection (l)(6), by adding a period at the end; and

(4) in subsection (m)(2)(B), by striking "requirement" and inserting "requirements".

TITLE III—STUDIES AND RESOLUTIONS

Subtitle A—Access to Surety Bonding

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 302. SURVEY.

(a) IN GENERAL.—The Comptroller General shall conduct a comprehensive survey of business firms, including using a questionnaire described in subsection (b), to obtain data on the experiences of such firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety firms.

(b) CONTENT OF SURVEY QUESTIONNAIRE.—In addition to such other questions as the Comptroller General deems appropriate to ensure a comprehensive survey under subsection (a), the questionnaire used by the Comptroller General shall include questions to obtain information from a surveyed business on—

(1) the frequency with which the firm was requested to provide a corporate surety bond in fiscal year 1992;

(2) whether the frequency with which the firm was requested to provide a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(3) the frequency with which the firm provided a corporate surety bond in fiscal year 1992;

(4) whether the frequency with which the firm provided a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(5) the average size of corporate surety bonds provided by the firm in fiscal year 1992;

(6) whether the average size of the corporate surety bonds provided by the firm increased or decreased during fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(7) the dollar amount of the largest corporate surety bond provided by the firm in fiscal year 1992;

(8) whether the dollar amount of the largest corporate surety bond provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(9) the dollar amount of work performed by the firm by type of construction owner, including the Federal Government, State and local governments, other public entities, and private entities, in each of fiscal years 1990, 1991, and 1992;

(10) the dollar amount of such work bonded by a corporate surety company for the firm by type of construction owner, including construction owners referred to in paragraph (9), for each of fiscal years 1990, 1991, and 1992;

(11) whether the firm purchased its corporate surety bonds through an insurance agent or directly from a surety company;

(12) the means used by the firm to identify its source for the purchase of corporate surety bonds;

(13) the average corporate surety bond premium (expressed as a percentage of contract amount) paid by the firm in fiscal year 1992;

(14) any increase or decrease in the average corporate surety bond premium (expressed as a percentage of the contract amount) paid by the firm in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(15) whether or not the underwriting requirements (including state of accounts receivable, financial procedures, need for personal indemnification, and requirements for collateral) changed in fiscal year 1990, 1991, or 1992;

(16) the nature of any changes in underwriting requirements experienced by the firm in fiscal years 1990, 1991, and 1992 and the reason for any such changes, if known;

(17) whether or not the source of surety bonds (a surety agent or company) provided reasons for such changes in underwriting requirements and whether these reasons were provided orally or in writing;

(18) whether or not the bonding capacity (total dollar amount and number of bonds) for the firm changed in fiscal year 1990, 1991, or 1992;

(19) whether or not the source of surety bonds (a surety agent or company) provided reasons for any changes in bonding capacity and whether these reasons were provided orally or in writing;

(20) the services provided and advice given by the firm's source of corporate surety bonds in fiscal years 1990, 1991, and 1992;

(21) whether or not the firm obtained a corporate surety bond with the assistance of a Federal program (such as the surety bond guarantee program of the Small Business Administration and the bonding assistance program of the Department of Transportation) or a State or local program in fiscal year 1990, 1991, or 1992;

(22) whether or not the firm used any alternative to corporate surety bonds (such as individual surety bonds, letters of credit, certificates of deposit, and government securities) in fiscal year 1990, 1991, or 1992;

(23) if the firm has not provided any corporate surety bonds in fiscal year 1990, 1991, or 1992, the reasons the firm has not done so;

(24) the number of times the firm has had an application for a corporate surety bond denied in fiscal years 1990, 1991, and 1992, and the reason for any such denial, if known;

(25) whether or not the proposed source for the corporate surety bond (a surety agent or company) provided the reasons for its denial of that application and whether that explanation was provided orally or in writing;

(26) the length of time the firm has been in business;

(27) the number of years of construction experience of the firm's officers (if a corporation), partners, or owner (if a sole proprietorship), and those responsible for managing the execution of the firm's construction operations, and how many years of such experience is in the type of construction that provides the majority of the firm's annual sales volume;

(28) the approximate annual sales volume of the firm in fiscal years 1990, 1991, and 1992;

(29) the net worth (total assets less total liabilities) of the firm at the close of the firm's most recent fiscal year;

(30) the working capital (current assets less current liabilities) of the firm at the close of the firm's most recent fiscal year;

(31) the average age of the firm's accounts receivable (the average number of days required to collect payments due);

(32) whether the firm made a profit in fiscal year 1990, 1991, or 1992;

(33) the form and frequency of such firm's financial statements (statements audited and certified by an independent certified public accountant, statements reviewed by such a certified public accountant, compilation financial statements, or other forms of financial statements), and whether such statements were furnished with applications for bonding, if requested; and

(34) the 4-digit standard industrial classification code in which the firm performs the majority of its work.

(c) FIRMS TO BE SURVEYED.—The Comptroller General shall develop a statistically valid sample of business firms from the most recent list of construction firms maintained by the Dun and Bradstreet Company (identified as the "DUN Market Identifier" file) for which data regarding sales is available.

SEC. 303. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General, in consultation with the Small Business Administration, shall conduct an assessment of the data obtained in the survey conducted pursuant to section 302 and submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of such assessment.

(b) CONTENTS OF THE REPORT.—

(1) IN GENERAL.—The report required by subsection (a) shall contain—

(A) a summary of responses of business firms to the survey conducted pursuant to section 302; and

(B) a description of any trends found by the Comptroller General in such responses.

(2) INFORMATION ON SMALL BUSINESS CONCERNS.—In presenting summaries of responses and descriptions of trends pursuant to paragraph (1), the Comptroller General shall provide specific information on the responses and trends of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.

SEC. 304. DEFINITIONS.

For purposes of this subtitle—

(1) the term "fiscal year" means the fiscal year of the business firm being surveyed;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)) (as redesignated by section 232(a)(6) of this Act); and

(4) the term "small business concern owned and controlled by women" has the same meaning as in section 127(d) of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 637 note).

Subtitle B—Small Business Loan Secondary Market Study

SEC. 311. SECONDARY MARKET FOR LOANS TO SMALL BUSINESSES.

(a) STUDY.—The Secretary of the Treasury, the Director of the Congressional Budget Office, and the Chairman of the Securities and Exchange Commission, in consultation with the Administrator of the Small Business Administration, shall conduct a study of the potential benefits of, and legal, regulatory, and market-based barriers to, developing a secondary market for loans to small businesses. The study shall include consideration of—

(1) market perceptions and the reasons for the slow development of a secondary market for loans to small businesses;

(2) any means to standardize loan documents and underwriting for loans to small businesses relating to retail and office space;

(3) the probable effects of the development of a secondary market for loans to small businesses on financial institutions and intermediaries, borrowers, lenders, real estate markets, and the credit markets generally;

(4) legal and regulatory barriers that may be impeding the development of a secondary market for loans to small businesses; and

(5) the risks posed by investments in loans to small businesses.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury, the Director of the Congressional Budget Office, and the Chairman of the Securities and Exchange Commission shall transmit to the Congress a report on the results of the study under paragraph (1). The report shall include recommendations for legislation to facilitate the development of a secondary market for loans to small businesses.

Subtitle C—Contract Bundling Study

SEC. 321. CONTRACT BUNDLING STUDY.

(a) IN GENERAL.—The Administrator of the Small Business Administration, acting through the Associate Administrator for Procurement Assistance, shall conduct a study regarding the impact of the practice known as "contract bundling" on the participation of small business concerns in the Federal procurement process.

(b) PURPOSE.—In addition to such other matters as the Associate Administrator for Procurement Assistance deems appropriate to assure the conduct of a comprehensive study and the development of practical recommendations, the study required by subsection (a) shall—

(1) identify the benefits and adverse effects of contract bundling to the procuring agencies;

(2) identify the benefits and adverse effects of contract bundling on small business concerns;

(3) examine the adequacy of the policy direction to agency procurement officials regarding the bundling of contract requirements;

(4) examine the extent to which agencies have been combining their requirements for the procurement of goods and services (including construction) into solicitations requiring an offeror to be able to perform increasingly larger contracts covering multiple and diverse elements of performance;

(5) consider the appropriateness of the explanatory statements submitted by the procuring agencies pursuant to section 15(a) of the Small Business Act regarding bundling of contract requirements; and

(6) determine whether procurement center representatives, small business specialists, or other agency procurement officials can, under existing guidance and authority, have the necessary policy direction and effective authority to make an independent assessment regarding a proposed bundling of contract requirements.

(c) PARTICIPATION.—

(1) IN GENERAL.—In conducting the study described in subsection (b), the Associate Administrator for Procurement Assistance shall provide for participation by representatives of—

(A) the Office of the Chief Counsel for Advocacy;

(B) the Office of Federal Procurement Policy; and

(C) the 10 Federal departments or agencies having the greatest dollar value of procurement awards during fiscal year 1991.

(2) ADDITIONAL CONSULTATION.—In conducting the study, the Associate Administrator for

Procurement Assistance shall consult with representatives of organizations representing small business government contractors and such other public and private entities as may be appropriate.

(d) SCHEDULE.—Not later than 90 days after the date of enactment of this Act, the Associate Administrator for Procurement Assistance shall publish in the Federal Register a plan for the study required by this section. The study shall be completed not later than March 31, 1993.

(e) REPORT.—Not later than May 15, 1993, the Administrator of the Small Business Administration shall submit a report to the Committees on Small Business of the Senate and the House of Representatives. The report shall contain the results of the study required by subsection (a), together with recommendations for legislative and regulatory changes to maintain small business participation in the Federal procurement process, as the Administrator deems appropriate.

(f) DEFINITION.—For purposes of this section, the term "contracting bundling" or "bundling of contract requirements" refers to the practice of consolidating into a single large contract solicitation multiple procurement requirements that were previously solicited and awarded as separate smaller contracts, generally resulting in a contract opportunity unsuitable for award to a small business concern due to the diversity and size of the elements of performance specified and the aggregate dollar value of the anticipated award.

Subtitle D—Resolution Regarding Small Business Access to Capital

SEC. 331. SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) small business concerns remain a thriving and vital part of the economy, accounting for the majority of new jobs, new products, and new services created in the United States;

(2) adequate access to either debt or equity capital is a critical component of small business formation, expansion, and success;

(3) small business concerns, which represent higher degrees of risk in financial markets than do large businesses, are experiencing increased difficulties in obtaining credit;

(4) minority-owned business enterprises have found extraordinary difficulties in obtaining credit; and

(5) demand for credit under the loan guarantee program contained in section 7(a) of the Small Business Act is insufficient to meet current demands.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) financial institutions should expand their efforts to provide credit to small business concerns, with special emphasis on minority-owned small business concerns;

(2) legislation and regulations considered by the Congress should be carefully examined to ensure that small business concerns are not negatively impacted; and

(3) legislation and regulations that enhance the viability of small business concerns, including changes in tax and health care policy, should be given a priority for passage by the Congress.

TITLE IV—SMALL BUSINESS INVESTMENT ACT AMENDMENTS

SECTION 401. SHORT TITLE.

This Act may be cited as the "Small Business Equity Enhancement Act of 1992".

SEC. 402. LEVERAGE (MATCHING FUNDS) FORMULA.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) by inserting after the word "debentures" in the first and sixth sentences of subsection (b) the following: "or participating securities";

(2) by striking paragraphs (1) through (3) of subsection (b) and inserting in lieu thereof the following:

"(1) The total amount of debentures and participating securities that may be guaranteed by the Administration and outstanding from a company licensed under section 301(c) of this Act shall not exceed 300 per centum of the private capital of such company: Provided, That nothing in this paragraph shall require any such company that on March 31, 1993, has outstanding debentures in excess of 300 per centum of its private capital to prepay such excess: And provided further, That any such company may apply for an additional debenture guarantee or participating security guarantee with the proceeds to be used solely to pay the amount due on such maturing debenture, but the maturity of the new debenture or security shall be not later than September 30, 2002.

"(2) After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

"(A) if the company has private capital of not more than $15,000,000, the total amount of leverage shall not exceed 300 per centum of private capital;

"(B) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 per centum of the amount of private capital over $15,000,000; and

"(C) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 per centum of the amount of private capital over $30,000,000 but not to exceed an additional $15,000,000.

"(3) Subject to the foregoing dollar and percentage limits, a company licensed under section 301(c) of this Act may issue and have outstanding both guaranteed debentures and participating securities: Provided, That the total amount of participating securities outstanding shall not exceed 200 per centum of private capital.

"(4) In no event shall the aggregate amount of outstanding leverage of any such company or companies which are commonly controlled as determined by the Administration exceed $90,000,000, unless the Administration determines on a case by case basis to permit a higher amount for companies under common control and imposes such additional terms and conditions as it determines appropriate to minimize the risk of loss to the Administration in the event of default.";

(3) by inserting before the period at the end of subsection (c)(6) the following: ", except as provided in paragraph (7)"; and

(4) by adding the following at the end of subsection (c):

"(7) The Administration may guarantee debentures or may guarantee the payment of the redemption price and prioritized payments on participating securities under subsection (g) from a company operating under section 301(d) of this Act in amounts above $35,000,000 but not to exceed the maximum amounts specified in section 303(b) subject to the following:

"(A) The interest rate on debentures and the rate of prioritized payments on participating securities shall be that specified in subsection 303(g)(2) without any reductions.

"(B) Any outstanding assistance under paragraphs (1) to (6) of this subsection shall be subtracted from such company's eligibility under section 303(b)(2)(A).".

SEC. 403. PARTICIPATING SECURITIES.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is further amended by adding the following new subsections:

"(g) In order to encourage small business investment companies to provide equity capital to small businesses, the Administration is authorized to guarantee the payment of the redemption price and prioritized payments on participating securities issued by such companies which are licensed pursuant to section 301(c) of this Act, and a trust or a pool acting on behalf of the Administration is authorized to purchase such securities. Such guarantees and purchases shall be made on such terms and conditions as the Administration shall establish by regulation. For purposes of this section, (A) the term 'participating securities' includes preferred stock, a preferred limited partnership interest or a similar instrument, including debentures under the terms of which interest is payable only to the extent of earnings and (B) the term 'prioritized payments' includes dividends on stock, interest on qualifying debentures, or priority returns on preferred limited partnership interests which are paid only to the extent of earnings. Participating securities guaranteed under this subsection shall be subject to the following restrictions and limitations, in addition to such other restrictions and limitations as the Administration may determine:

"(1) Participating securities shall be redeemed not later than 15 years after their date of issuance for an amount equal to 100 per centum of the original issue price plus the amount of any accrued prioritized payment: Provided, That if, at the time the securities are redeemed, whether as scheduled or in advance, the issuing company (A) has not paid all accrued prioritized payments in full as provided in paragraph (2) below and (B) has not sold or otherwise disposed of all investments subject to profit distributions pursuant to paragraph (11), the company's obligation to pay accrued and unpaid prioritized payments shall continue and payments shall be made from the realized gain, if any, on the disposition of such investments, but if on disposition there is no realized gain, the obligation to pay accrued and unpaid prioritized payment shall be extinguished: Provided further, That in the interim, the company shall not make any in-kind distributions of such investments unless it pays to the Administration such sums, up to the amount of the unrealized appreciation on such investments, as may be necessary to pay in full the accrued prioritized payments.

"(2) Prioritized payments on participating securities shall be preferred and cumulative and payable out of the retained earnings available for distribution, as defined by the Administration, of the issuing company at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on such securities, adjusted to the nearest one-eighth of 1 per centum, plus, at the time the guarantee is issued, such additional charge, if any, toward covering other costs of the program as the Administration may determine to be consistent with its purposes, but not to exceed 2 per centum.

"(3) In the event of liquidation of the company, participating securities shall be senior in priority for all purposes to all other equity interests in the issuing company, whenever created.

"(4) Any company issuing a participating security under this subsection shall commit to invest or shall invest and maintain an amount equal to the outstanding face value of such security solely in equity capital. As used in this subsection, 'equity capital' means common or preferred stock or a similar instrument, including subordinated debt with equity features which is not amortized and which provides for interest payments contingent upon and limited to the extent of earnings.

"(5) The only debt other than leverage obtained in accordance with this title which

any company issuing a participating security under this subsection may have outstanding shall be temporary debt in amounts limited to not more than 50 per centum of private capital.

"(6) The Administration may permit the proceeds of a participating security to be used to pay the principal amount due on outstanding debentures guaranteed by the Administration, if (A) the company has outstanding equity capital invested in an amount equal to the amount of the debentures being refinanced and (B) the Administration receives profit participation on such terms and conditions as it may determine, but not to exceed the per centums specified in paragraph (11).

"(7) For purposes of computing profit participation under paragraph (11), except as otherwise determined by the Administration, the management expenses of any company which issues participating securities shall not be greater than 2.5 per centum per annum of the combined capital of the company, plus $125,000 if the company's combined capital is less than $20,000,000. For purposes of this paragraph, (A) the term 'combined capital' means the aggregate amount of private capital and outstanding leverage and (B) the term 'management expenses' includes salaries, office expenses, travel, business development, office and equipment rental, bookkeeping and the development, investigation and monitoring of investments, but does not include the cost of services provided by specialized outside consultants, outside lawyers and outside auditors, who perform services not generally expected of a venture capital company nor does such term include the cost of services provided by any affiliate of the company which are not part of the normal process of making and monitoring venture capital investments.

"(8) Notwithstanding paragraph (9), if a company is operating as a limited partnership or as a subchapter s corporation or an equivalent pass-through entity for tax purposes and if there are no accumulated and unpaid prioritized payments, the company may make annual distributions to the partners or shareholders in amounts not greater than each partner's or shareholder's maximum tax liability. For purposes of this paragraph, the term 'maximum tax liability' means the amount of income allocated to each partner or shareholder (including an allocation to the Administration as if it were a taxpayer) for Federal income tax purposes in the income tax return filed or to be filed by the company with respect to the fiscal year of the company immediately preceding such distribution, multiplied by the highest combined marginal Federal and State income tax rates for corporations or individuals, whichever is higher, on each type of income included in such return. For purposes of this paragraph, the term 'State income tax' means the income tax of the State where the company's principal place of business is located.

"(9) After making any distributions as provided in paragraph (8), a company with participating securities outstanding may distribute the balance of income to its investors, specifically including the Administration, in the per centums specified in paragraph (11), if there are no accumulated and unpaid prioritized payments and if all amounts due the Administration pursuant to paragraph (11) have been paid in full, subject to the following conditions:

"(A) As of the date of the proposed distribution, if the amount of leverage outstanding is more than 200 per centum of the amount of private capital, any amounts distributed shall be made to private investors and to the Administration in the ratio of leverage to private capital.

"(B) As of the date of the proposed distribution, if the amount of leverage outstanding is more than 100 per centum but not more than 200 per centum of the amount of private capital, 50 per centum of any amounts distributed shall be made to the Administration and 50 per centum shall be made to the private investors.

"(C) If the amount of leverage outstanding is 100 per centum, or less, of the amount of private capital, the ratio shall be that for distribution of profits as provided in paragraph (11).

"(D) Any amounts received by the Administration under subparagraph (A) or (B) shall be applied first as profit participation as provided in paragraph (11) and any remainder shall be applied as a prepayment of the principal amount of the participating securities or debentures.

"(10) After making any distributions pursuant to paragraph (8), a company with participating securities outstanding may return capital to its investors, specifically including the Administration, if there are no accumulated and unpaid prioritized payments and if all amounts due the Administration pursuant to paragraph (11) have been paid in full. Any distributions under this paragraph shall be made to private investors and to the Administration in the ratio of private capital to leverage as of the date of the proposed distribution: Provided, That if the amount of leverage outstanding is less than 50 per centum of the amount of private capital or $10,000,000, whichever is less, no distribution shall be required to be made to the Administration unless the Administration determines, on a case by case basis, to require distributions to the Administration to reduce the amount of outstanding leverage to an amount less than $10,000,000.

"(11)(A) A company which issues participating securities shall agree to allocate to the Administration a share of its profits determined by the relationship of its private capital to the amount of participating securities guaranteed by the Administration in accordance with the following:

"(i) If the total amount of participating securities is 100 per centum of private capital or less, the company shall allocate to the Administration a per centum share computed as follows: the amount of participating securities divided by private capital times 9 per centum.

"(ii) If the total amount of participating securities is more than 100 per centum but not greater than 200 per centum of private capital, the company shall allocate to the Administration a per centum share computed as follows:

"(I) 9 per centum, plus

"(II) 3 per centum of the amount of participating securities minus private capital divided by private capital.

"(B) Notwithstanding any other provision of this paragraph—

"(i) in no event shall the total per centum required by this paragraph exceed 12 per centum, unless required pursuant to the provisions of (ii) below,

"(ii) if, on the date the participating securities are marketed, the interest rate on Treasury bonds with a maturity of 10 years is a rate other than 8 per centum, the Administration shall adjust the rate specified in paragraph (A) above, either higher or lower, by the same per centum by which the Treasury bond rate is higher or lower than 8 per centum, and

"(iii) this paragraph shall not be construed to create any ownership interest of the Administration in the company.

"(12) A company may elect to make an in-kind distribution of securities only if such securities are publicly traded and marketable. The company shall deposit the Administration's share of such securities for disposition with a trustee designated by the Administration or, at its option and with the agreement of the company, the Administration may direct the company to retain the Administration's share. If the company retains the Administration's share, it shall sell the Administration's share and promptly remit the proceeds to the Administration. As used in this paragraph, the term 'trustee' means a person who is knowledgeable about and proficient in the marketing of thinly traded securities.

"(h) The computation of amounts due the Administration under participating securities shall be subject to the following terms and conditions:

"(1) The formula in subsection (g)(11) shall be computed annually and the Administration shall receive distributions of its profit participation at the same time as other investors in the company.

"(2) The formula shall not be modified due to an increase in the private capital unless the increase is provided for in a proposed business plan submitted to and approved by the Administration.

"(3) After distributions have been made, the Administration's share of such distributions shall not be recomputed or reduced.

"(4) If the company prepays or repays the participating securities, the Administration shall receive the requisite participation upon the distribution of profits due to any investments held by the company on the date of the repayment or prepayment.

"(5) If a company is licensed on or before March 31, 1993, it may elect to exclude from profit participation all investments held on that date and in such case the Administration shall determine the amount of the future expenses attributable to such prior investment: Provided, That if the company issues participating securities to refinance debentures as authorized in subsection (g)(6), it may not elect to exclude profits on existing investments under this paragraph."

SEC. 404. POOLING.

Section 321 of the Small Business Investment Act of 1958 (15 U.S.C. 687l) is amended to read as follows:

"SEC. 321. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) The Administration is authorized to issue trust certificates representing ownership of all or a fractional part of debentures issued by small business investment companies, including companies operating under the authority of section 301(d), and guaranteed by the Administration under this Act, or participating securities which are issued by such companies and purchased and guaranteed pursuant to section 303(g): Provided, That such trust certificates shall be based on and backed by a trust or pool approved by the Administration and composed solely of guaranteed debentures or guaranteed participating securities.

"(b) The Administration is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Administration or its agent for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed debentures or the redemption price of and priority payments on the participating securities, which compose the trust or pool. In the event that a debenture in such trust or pool is prepaid, or participating securities are redeemed, either voluntarily or involuntarily, or in the event of default of a debenture or voluntary or involuntary redemption of a participating security, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the

amount of principal and interest such prepaid debenture or redeemed participating security and priority payments represent in the trust or pool. Interest on prepaid or defaulted debentures, or priority payments on participating securities, shall accrue and be guaranteed by the Administration only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption due to prepayment or default of all debentures or redemption, whether voluntary or involuntary, of all participating securities residing in the pool.

"(c) The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee of such trust certificates issued by the Administration or its agent pursuant to this section.

"(d) The Administration shall not collect a fee for any guarantee under this section: Provided, That nothing herein shall preclude any agent of the Administration from collecting a fee approved by the Administration for the functions described in subsection (f)(2) of this section.

"(e)(1) In the event the Administration pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the Administration of its ownership rights in the debentures or participating securities residing in a trust or pool against which trust certificates are issued.

"(f)(1) The Administration shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale—

"(A) identification of each small business investment company;

"(B) the interest rate or prioritized payment rate paid by the small business investment company;

"(C) commissions, fees, or discounts paid to brokers and dealers in trust certificates;

"(D) identification of each purchaser of the trust certificate;

"(E) the price paid by the purchaser for the trust certificate;

"(F) the interest rate on the trust certificate;

"(G) the fee of any agent for carrying out the functions described in paragraph (2); and

"(H) such other information as the Administration deems appropriate.

"(2) The Administrator shall contract with an agent or agents to carry out on behalf of the Administration the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Administration, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by debentures or participating securities guaranteed under this Act, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Administration determines to be necessary to fully protect the interests of the Government.

"(3) Prior to any sale, the Administrator shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

"(4) The Administrator is authorized to regulate brokers and dealers in trust certificates sold pursuant to this section.".

SEC. 405. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking in subsection (g)(3) "stock and $221,000,000 in guarantees of debentures" and inserting in lieu thereof the following: "securities, $221,000,000 in guarantees of debentures, of which $40,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $100,000,000 in guarantees of participating securities";

(2) by striking in subsection (i)(3) "stock and $232,000,000 in guarantees of debentures" and inserting in lieu thereof the following: "securities, $232,000,000 in guarantees of debentures, of which $42,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $250,000,000 in guarantees of participating securities"; and

(3) by adding the following new subsections at the end thereof:

"(k) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $23,000,000 in purchases of preferred securities, $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $400,000,000 in guarantees of participating securities.

"(l) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out subsection (k), including salaries and expenses of the Administration.

"(m) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $24,000,000 in purchases of preferred securities, $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $550,000,000 in guarantees of participating securities.

"(n) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out subsection (m), including salaries and expenses of the Administration.

"(o) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $25,000,000 in purchases of preferred securities, $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $700,000,000 in guarantees of participating securities.

"(p) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out subsection (o), including salaries and expenses of the Administration.".

SEC. 406. SAFETY AND SOUNDNESS.

(a) FINANCIAL VIABILITY DETERMINED.—Section 302 of the Small Business Investment Act of 1958 (15 U.S.C. 682) is amended by adding the following at the end of subsection (a): "The Administration shall also determine the ability of the company, both prior to licensing and prior to approving any request for financing, to make periodic payments on any debt of the company which is interest bearing and shall take into consideration the income which the company anticipates on its contemplated investments, the experience of the company's owners and managers, the history of the company as an entity, if any, and the company's financial resources.".

(b) VALUATION GUIDELINES AND RESPONSIBILITY.—Section 310 of the Small Business Investment Act of 1958 (15 U.S.C. 687b) is amended by adding at the end thereof the following new subsection:

"(d) Each small business investment company shall adopt written guidelines for determination of the value of investments made by such company. The board of directors of corporations and the general partners of partnerships shall have the sole responsibility for making a good faith determination of the fair market value of the investments made by such company. Determinations shall be made and reported to the Administration not less than semiannually or at more frequent intervals as the Administration determines appropriate: Provided, That any company which does not have outstanding financial assistance under the provisions of this title shall be required to make such determinations and reports to the Administration annually, unless the Administration, in its discretion, determines otherwise.".

SEC. 407. EXAMINATIONS.

(a) EXAMINATION BY INVESTMENT DIVISION.—Section 310 of the Small Business Investment Act of 1958 (15 U.S.C. 687b) is amended by striking from subsection (b) "Administration by examiners selected or approved by" and by inserting in lieu thereof the following: "Investment Division of"; and

(b) TRANSFER OF RESOURCES.—Effective October 1, 1992, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, and other funds employed, held, used, arising from, available or to be made available, which are related to the examination function provided by section 310 of the Small Business Investment Act of 1958 shall be transferred by the Inspector General of the Small Business Administration to the Investment Division of the Small Business Administration.

SEC. 408. NON-FINANCED SBICS.

(a) INVESTMENT LIMITATION.—Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

"(a) If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of obligations and securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not exceed 20 per centum of the private capital of such company, without the approval of the Administration."

(b) CONFORMING AMENDMENT.—Section 310 of the Small Business Investment Act of 1958 (15 U.S.C. 687b) is amended by inserting before the semicolon at the end of subsection (c)(5) the following: ", if such restriction is applicable".

(c) TEMPORARY INVESTMENT OF FUNDS.—Section 308(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687(b)) is amended by inserting after "Such companies" in the third sentence the following: "with outstanding financings".

(d) REGULATORY REVIEW.—Not later than 90 days after the effective date of this Act, the Small Business Administration shall complete a review of those regulations intended to provide for the safety and soundness of those small business investment companies which obtain financing from the Administration under the provisions of the Small Business Investment Act of 1958. The Administration is directed to exempt from such regulations, or to separately regulate, those companies which do not obtain financing from the Administration.

(e) REPORT TO CONGRESS.—The Administration, within 180 days after the effective date of this Act, shall report on actions taken pursuant to section 8(d) of this Act to the Committees on Small Business of the Senate and the House of Representatives, including the rationale for its actions.

SEC. 409. MINIMUM CAPITAL.

Section 302 of the Small Business Investment Act of 1958 (15 U.S.C. 682) is amended by strik-

ing from subsection (a) "1979 pursuant to sections 301(c) and (d) of this Act shall be not less than $500,000" and inserting in lieu thereof the following: "1992 pursuant to section 301(c) of this title shall be not less than $2,500,000 and pursuant to section 301(d) of this title shall be not less than $1,500,000".

SEC. 410. DEFINITIONS.

Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended as follows:

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(9) notwithstanding any other provision of law, the term 'private capital' means the private paid-in capital and paid-in surplus of a corporate licensee, or the private partnership capital of an unincorporated licensee, inclusive of (A) any funds invested in the licensee by a public or private pension fund, (B) any funds invested in the licensee by State or local government entities, to the extent that such investment does not exceed 33 percent of a licensee's total private capital and otherwise meets criteria established by the Administration, and (C) unfunded commitments from institutional investors that meet criteria established by the Administration, but it excludes any funds which are borrowed by the licensee from any source or which are obtained or derived, directly or indirectly, from any Federal source, including the Administration: Provided, That no unfunded commitment from an institutional investor may be used for the purpose of meeting the minimum amount of private capital required by this Act or as the basis for the Administration to issue obligations to provide financing; and

"(10) the term 'leverage' includes debentures purchased or guaranteed by the Administration, participating securities purchased or guaranteed by the Administration, or preferred securities issued by companies licensed under section 301(d) of this Act and which have been purchased by the Administration.".

SEC. 411. INTEREST RATE CEILING.

Section 305 of the Small Business Investment Act of 1958 (15 U.S.C. 685) is amended by striking the period at the end of subsection (c) and by inserting in lieu thereof the following: ": Provided, That the Administration also shall permit those companies which have issued debentures pursuant to this Act to charge a maximum rate of interest based upon the coupon rate of interest on the outstanding debentures, determined on an annual basis, plus such other expenses of the company as may be approved by the Administration.".

SEC. 412. PREFERRED PARTNERSHIP INTERESTS.

Section 303(c) of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended—

(1) by striking from the first sentence the word "preferred";

(2) by inserting after the second sentence the following: "As used in this subsection, the term 'securities' means shares of nonvoting stock or other corporate securities or limited partnership interests which have similar characteristics."; and

(3) by striking from paragraph (1) "shares of nonvoting stock (or other corporate securities having similar characteristics)" and inserting in lieu thereof "such securities".

SEC. 413. INDIRECT FUNDS FROM STATE OR LOCAL GOVERNMENTS.

Section 303(e) of the Small Business Investment Act of 1958 (15 U.S.C. 683(e)) is amended—

(1) by inserting after the word "company" the following: "licensed under section 301(d) and notwithstanding section 103(9)"; and

(2) by striking "prior" and all that follows through the period at the end and inserting "to November 21, 1989: Provided, That such companies may include in private capital for any purpose funds indirectly obtained from State or local governments. As used in this subsection, the term 'capital indirectly obtained' includes income generated by a State financing authority or similar State institution or agency or from the investment of State or local money or amounts originally provided to nonprofit institutions or corporations which such institutions or corporations, in their discretion, determine to invest in a company licensed under section 301(d).".

SEC. 414. SBIC APPROVALS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding the following at the end of subsection (a)(2): "Subject to approval in appropriations Acts, amounts authorized for preferred securities, debentures or participating securities under title III of the Small Business Investment Act of 1958 may be obligated in one fiscal year and disbursed or guaranteed in the following fiscal year.".

SEC. 415. IMPLEMENTATION.

Notwithstanding any law, rule, regulation or administrative moratorium, except as otherwise expressly provided in this Act, the Small Business Administration shall—

(1) within 90 days after the date of enactment of this Act, publish in the Federal Register proposed rules and regulations implementing this Act and the amendments made by this Act; and

(2) within 180 days after the date of enactment of this Act, publish in the Federal Register final rules and regulations implementing this Act, and enter such contracts as are necessary to implement this Act and the amendments made by this Act.

SEC. 416. BUY AMERICA.

Section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 1661) is amended by adding at the end the following: "It is the intention of the Congress that in the award of financial assistance under this Act, when practicable, priority be accorded to small business concerns which lease or purchase equipment and supplies which are produced in the United States and that small business concerns receiving such assistance be encouraged to continue to lease or purchase such equipment and supplies.".

SEC. 417. STUDIES AND REPORTS.

(a) SBA ANNUAL REPORT.—Section 308(g) of the Small Business Investment Act of 1958 (12 U.S.C. 687(g)) is amended by adding at the end the following new paragraph:

"(3) In its annual report for the year ending on December 31, 1993, and in each succeeding annual report made pursuant to section 10(a) of the Small Business Act, the Administration shall include a full and detailed description or account relating to—

"(A) the number of small business investment companies the Administration licensed, the number of licensees that have been placed in liquidation, and the number of licensees that have surrendered their licenses in the previous year, identifying the amount of government leverage each has received and the type of leverage instruments each has used;

"(B) the amount of government leverage that each licensee received in the previous year and the types of leverage instruments each licensee used;

"(C) for each type of financing instrument, the sizes, geographic locations, and other characteristics of the small business investment companies using them, including the extent to which the investment companies have used the leverage from each instrument to make small business loans, equity investments, or both; and

"(D) the frequency with which each type of investment instrument has been used in the current year and a comparison of the current year with previous years.".

(b) REPORT OF THE COMPTROLLER GENERAL.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report that reviews the Small Business Investment Company program (established under the Small Business Investment Act of 1958) for the 3-year period following the date of enactment of this Act, with respect to each item listed in section 308(g)(3) of the Small Business Investment Act of 1958, as amended by subsection (a).

SEC. 418. NO EFFECT ON SECURITIES LAWS.

Nothing in this Act (and no amendment made by this Act) shall be construed to affect the applicability of the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, or any of the rules and regulations thereunder, or otherwise supersede or limit the jurisdiction of the Securities and Exchange Commission or the authority at any time conferred under the securities laws.

Mr. LAFALCE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments and the House amendment to the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

Mr. IRELAND. Mr. Speaker, I reserve the right to object, and I will not object.

Mr. Speaker, we concur fully in the program outlined by the chairman of the Small Business Committee, and it has our strong support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

□ 1730

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, August 12, 1992.

CONFERENCE REPORT ON H.R. 3033, JOB TRAINING REFORM AMENDMENTS OF 1992

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and agree to the

conference report on the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youths and adults, and for other purposes.

(For conference report and statement, see proceedings of the House of Thursday, August 6, 1992 at page H7646.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

GENERAL LEAVE

Mr. PERKINS. 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 H.R. 3033.

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

There was no objection.

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

Mr. Speaker, as the chairman of the Subcommittee on Employment Opportunities, I bring before the House today the conference agreement on H.R. 3033, the Job Training Reform Amendments of 1992. The House and Senate conferees unanimously support the agreement and continue the bipartisan commitment of the Congress to reform the Nation's worker training program. H.R. 3033 passed the House, during the first session of this Congress, overwhelmingly back in October of 1991 by a vote of 420 to 6. The House and Senate passed bills were very similar in spirit and content and thus the conference was highly amicable and proceeded in a bipartisan manner.

The conference agreement represents a critical component in the strategy of the Congress to present a strong and reliable platform of assistance to America's workers. The Job Training Partnership Act [JTPA] is the centerpiece of our Nation's plantform.

The efforts to reform the JTPA program have fallen short in the past for a variety of reasons, but today we stand one step closer to seeing a successful culmination of the efforts leading to reform. Some may ask why this reform is necessary. Many are aware of the reports and investigations of the JTPA program that have painted with a broad brush the entire program as rife with abuse. If the proponents of this agreement had found no redeeming merit in the program we would not be here today reforming the program but we would be advocating the replacement of it. We have found that this program works if run correctly.

We have read the variety of reports and findings from the GAO, the inspector general, committees of the Congress, and many other independent sources that have pointed to flaws that do exist. We have addressed all of these concerns with this reform package. We have also brought the Department of Labor into the process as a more active participant in the oversight and implementation of this program. The active oversight and constructive involvement by the Department is a critical part of the reform of this program.

This legislation targets the problem of abuse in the contracting process by increasing Federal oversight and cost accountability at the local level. This reform will answer the charge that the program creams only the most able bodied and skilled for training by focusing the targeting of the programs funds onto the disadvantaged, such as the chronically unemployed, dropouts, and the poor by providing them with comprehensive, longterm services, as well as child care, transportation, and financial assistance.

With the enactment of this agreement we will have succeeded in putting into place provisions that would require or encourage the reform of the procurement process; the establishment of stringent and challenging performance standards; the tightening of restrictions on the use of on-the-job training funds; the allowance of a locally determined additional barrier to employment; the promotion of a greater level of coordination among human resource programs; the retention of a State set-aside for older workers; the increase in funding for training of our veterans; and a programs wide emphasis on training JTPA professional staff. All of these issues, as well as many others are successfully addressed in this agreement.

I am indebted for the support of my chairman and his staff and wish to publicly thank Chairman FORD for his commitment and effort in shepherding this bill through the process. Chairman FORD'S contributions, as well as the contributions of the many other Members who have participated in the crafting of the final agreement have all assisted in making this a true reform package.

I feel that a great strength of this agreement is the bipartisan manner in which it has been produced. Beginning with Congressman GUNDERSON at the subcommittee level, Congressman GOODLING in the full Committee, the Republican Senate conferees, and the Department of Labor, throughout the process we have experienced a superb level of cooperation.

Whenever a legislative package of this size and magnitude moves through the Congress it is a result of many hours of staff work and this agreement is no exception. I want to thank all of the staff that worked so hard on this project and put together the pieces that make up the product we have in front of us.

I ask that the House move in unanimous agreement to support the conference agreement today so that we can send it onto the President for his signature.

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

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I my consume.

Mr. Speaker, I too would like to rise in strong support of the conference agreement on H.R. 3033, the Job Training Reform Amendments of 1992.

I want to take this time to begin by paying a special tribute to the staff on both sides of the aisle who helped bring this conference report here, as well as to my colleague, the gentleman from Kentucky [Mr. PERKINS]. This is very likely going to be the last major piece of legislation the gentleman from Kentucky will bring to this Congress, either as chairman of this committee or as a member.

I know I speak for Members on both sides of the aisle when I say to the gentleman from Kentucky [Mr. PERKINS], we have enjoyed your service. We wish you well and we commend you for this particular piece of legislation.

Mr. Speaker, I would also like to pay a special thanks to the Assistant Secretary of Labor, Mr. Jones, who has been a key part in helping both sides of the aisle work out this particular agreement that we have before us.

Mr. Speaker, this represents a 4-year update of the Nation's Job Training Partnership Act as we try to prepare this legislation for the needs that we have in front of us and as we prepare this work force for the future. We have made a number of significant changes, mainly to make improvements in the program and to address the concerns that have arisen over the past 4 years as we have looked at this particular legislation.

There has been some criticism of the Job Training Partnership Act. I would suggest that most of it has not been justified. Most of it perhaps has been misleading or unfair, but we have tried to respond to those criticisms wherever we have seen them.

Mr. Speaker, I am very proud of the Job Training Partnership Act in this country. It is an act designed for flexibility, allowing each community and service delivery area to respond to the unique needs of their particular area.

I am happy to have in my western Wisconsin district three unique service delivery or job training private industry council programs. One is in La-Crosse, which this year received a Presidential award; one is in west central Wisconsin in Menomonie, responding to major layoffs as we speak, and the third in southwestern Wisconsin, a private industry council serving the southwestern corner of the State, a much more rural area.

Legitimate improvements can and should be made, and I think are being

made in this particular act, both to improve the quality of services and to reinstill confidence in the country's only job training program.

In particular, I would like to respond to two special segments of the bill. There is one segment that focuses on the criticism that we do not adequately target our job training programs. The conference agreement establishes separate year-round programs for adults and youth to try to respond to this. It revises program eligibility criteria to ensure service to participants with significant barriers to employment.

Specifically, the conference agreement requires that a majority of the participants, 65 percent under both the adult and the youth programs, must have at least one additional barrier to employment. Also authorizes a new youth opportunities unlimited program under title IV.

We also tried to improve program quality under the program by including provisions aimed at providing more intensive and comprehensive services to program participants. Under the program each participant must be assessed and a service strategy must be developed. Likewise, performance standards are now revised to include basic skills and employment competencies to complement the current standards and to promote long-term employability, job placement, and retention.

Those points are important to be considered as we look at this bill for the five basic principles that we now include: maintaining the successful cornerstone of JTPA; targeting the services, as I have just emphasized; enhancing program quality, as I just emphasized; achieving a comprehensive, coordinated human delivery system; and increasing fiscal integrity and accountability.

□ 1740

This is good piece of legislation. It was worthy of support, and I would encourage by colleagues on both sides of the aisle to do that.

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

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I would like to start by complimenting the members of the subcommittee who finally worked this bill out and did such a grand job that it took us only minutes in conference with the Senate to come back to our colleagues.

The work on these reforms, which is the first rewrite of JTPA since it was passed in 1982, started a few years ago under my predecessor, Gus Hawkins, when the inspector general from the Labor Department was not satisfied with the performance of the program in some parts of the country, not all parts of the country, just some parts of the country.

And the committee began to pursue by whatever means we had with the participation of the Labor Department, and I want to tell my colleagues that on this legislation there has been more active participation by the administration through the Labor Department than I have seen on any legislation since this administration came to power.

I give a good deal of that credit to somebody already mentioned by my Republican colleague over there, Bob Jones, who used to work on the committee for the Republicans years ago and administers the program and administratively corrected a number of the problems that had been brought to Chairman Hawkins' attention.

And when they reached what they felt was the limit of how far the could go administratively, they turned to us to write legislation.

The legislation brought here by the gentleman from Kentucky [Mr. PERKINS] today is the result of all that effort, and it has been a cooperative effort from the very beginning.

Nobody was out to prove anybody was wrong. We have not identified any of the areas with the problems specifically, but as this legislation has been considered, I have had numerous meetings in my office by people from PIC's around the country who heard about it and came in to say things that sort of go like this: "We used to do the kind of things that you don't want done, but we figured that that was wrong and we changed it."

Clearly, what we have here is a solution that will pick up only the stragglers, the people who have not become alert themselves and cleaned up the problem. And that includes a couple of places in my own State of Michigan where they acknowledged that they were doing some of the things that the inspector general and the GAO found to be outside the intent, scope, and intent of the act.

They have cleaned it up. So this is a case of legislating to the lowest common denominator, because most of the PIC's around the country that found out that this legislation was being worked on and found out what the problems were that it was aimed at took the initiative to correct the problems themselves locally.

It is one of the pleasant experiences I have had in my time here in terms of self-policing and recognition by people that they had to clean up their own act before we had to compel them to do it.

I do not look at this act at this point as being something that is imposing anything really onerous in the way of compulsory new rules on the PIC's out around the country. The number who have already moved to do these things on their own is clear evidence of the fact that the ones who are lagging should have no trouble catching up once this becomes law.

I have no reason to believe that it will not be signed promptly, as soon as we pass it here, because, as I say, it has been developed with strong and very able cooperation of the Labor Department and the labor committees in both the House and the Senate.

Mr. Speaker, I rise in support of the conference report on H.R. 3033, the first comprehensive overhaul of the Job Training Partnership Act since it was first enacted in 1982. H.R. 3033 is the product of 4 years of work by the labor committees of the House and Senate, the administration, and the General Accounting Office. This legislation, the Job Training Reform Amendments of 1992, is proof that from time to time, for the good of the Nation, we can overcome our partisan and ideological differences and work out solutions to recognized problems.

The Job Training Partnership Act [JTPA] is the law governing most of our largest and best known Federal training programs—Job Corps, the title III dislocated workers program, the Summer Youth Employment Program, and title II–A, the basic training program for our poorest and most disadvantaged citizens. In total, JTPA accounts for more than $4 billion of employment and training programs, and H.R. 3033 affects all of them, to varying degrees.

At their best, JTPA training programs can make a crucial difference in the lives of the people they serve and can contribute measurably to national goals of building a better skilled, more literate work force. Everyone benefits when a high school dropout with two kids attains a high school equivalency diploma, gets a good job paying $8 plus health benefits at the local power company, and leaves the welfare system. JTPA has done that over and over again in my congressional district and around the country. Its successes should be repeated a thousandfold and the people who make them happen should be recognized and rewarded with greater funding in order to expand their good works.

But far too often, the results of JTPA services have been much less. Poorly thought-out incentives have encouraged the local and State administrators of JTPA programs to provide cheap, quick services to clients selected because they were already employable, rather than to provide real training to people who might be unemployable without it. Cream skimming does not give the public a real return on the money they have invested in job training.

Even worse, a combination of these misconceived incentives and overly cozy relationships have encouraged some administrators to turn their programs into pure subsidies to local businesses, paying half the wages for a constant stream of new employees who train on the job as carwashers, dishwashers, or broom pushers for 6 months until the subsidy runs out, their training ends, and a new trainee replaces them. The results of this kind of training can be shocking. A recently reported study of 16 local programs found that young men who were served by JTPA had lower earnings over an 18-month period than similar young men who were turned away without receiving any assistance.

A stream of similar, well-documented criticisms of JTPA by the GAO, the Department of

Labor's inspector general, and the Department's own officials persuaded me almost 4 years ago that dramatic changes were needed in the law and its administration. The conference report we have brought to the House is designed to address every one of the major problems that have been identified over the years, without changing the basic structure of the system Congress and the President agreed to 10 years ago—a decentralized system overseen by the Governors of the States but directly administered by local, business-dominated governing boards known as private industry councils, or PIC's.

I believe that if the legislative changes we are making today do not put an end to the abuses and too-frequent failures of the system, the system itself will have to be changed. In that sense, H.R. 3033 represents a test for the system itself, and especially for the PIC's.

Several themes dominate the changes made by this conference report. The most important is the emphasis on providing skill training that will make an enduring difference for the trainee, as opposed to simple job search assistance such as résumé writing, interview practice, and job referrals. The placement of a 19-year-old dropout in a low-paying, dead-end job is not success. Helping him acquire a skill that will allow him to get a job and retain it is success, especially if he attains his GED and becomes sufficiently literate to learn on his own in the future. That kind of training is more expensive, difficult, and time-consuming. But the return to the taxpayers, to the community, and to the individual who is helped is many times greater than the cheaper, easier alternative.

Accountability is the second most important theme of this legislation. It has made me angry and bitter over the years to see how many people are willing to misspend the scarce Federal training dollars we provide and how slow the Government has been at every level to crack down on abuse. There is no excuse for training funds being spent on foreign travel, local business development schemes, or to encourage interstate business relocations. If the rules were not clear in the past, they are clear now. If PIC's approve such abuses, they will be forced to repay the misspent funds and will be restructured if they persist. Any State or PIC that assists a business relocation that causes the loss of jobs will be assessed a penalty in addition to repayment.

Agencies at any level of the system that attempt to convert training funds by making a profit will be clearly prohibited from doing so. Administrators who have routinely padded their administrative accounts by writing fixed unit price performance based contracts will find the practice flatly prohibited. Businesses that hire trainees to take advantage of wage subsidies, but never retain them after the subsidies expire will be denied access to the program. And because JTPA is funded with Federal tax dollars, States that fail to enforce performance standards will have funds withheld from them by the U.S. Department of Labor.

Congress cannot and will not tolerate abuse of Federal job training funds.

Better targeting is another theme of this legislation. The program's local administrators will be required to concentrate their services not just on the poor, but on individuals with additional barriers to employment, such as dropouts, the homeless, welfare recipients, and people lacking such basic skills as the ability to speak or read English.

At the urging of Senator KENNEDY, the conferees have rewritten JTPA title V to create incentives for States and local administrators to target job training services on the absent parents of children receiving AFDC. To the extent a State's JTPA agencies succeed in training such parents for jobs that allow them to pay child support for their children, the States will receive a bonus to distribute among the contributing agencies. Thus, if Michigan JTPA programs train and find jobs for 1,000 absent fathers who subsequently pay $3 million a year in child support, the Secretary of Labor will pay a $3 million bonus to Michigan to reinvest in its JTPA programs. I applaud Senator KENNEDY for this innovative approach to a very tough problem and thank my fellow conferees on the part of the House for agreeing to give it a try.

At the same time that we are requiring stricter accountability for the States, local administrators, and those who enter into contracts involving JTPA funds, we have provided new flexibility and reduced administrative burdens in other areas. The conference report makes it easier for administrators to document the poverty status of their clients and permits the shifting of funds between the adult and youth programs, depending on local need. And to help them cope with the additional expense associated with individual assessments of trainees' needs and better case management, the cost categories that govern local spending have been relaxed.

I believe that this consensus legislation will bring about solid improvements in the quality of services provided under the Job Training Partnership Act. Secretary of Labor Lynn Martin and her staff deserve praise for their constructive role in developing these amendments. Chairman PERKINS should be proud of his accomplishment, as should Representative GOODLING and Representative GUNDERSON, who have joined me in pushing for reform for the last 3 years.

The United States of America needs and deserves a first-rate training system. I urge my colleagues to vote for this conference report and move us toward the kind of excellence our future demands.

Mr. GUNDERSON. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the full committee, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, a lot of people are very happy about this conference report today, but none probably more happy than former Secretary Elizabeth Dole who, when she came back from visiting all of these JTPA sites, indicated that there are some things that need changing. And she tried to get us to move. Something happened on the other side, the other body, that we did not get it done when we on this side wanted to get it done.

This Secretary has been encouraging us to do likewise. So I am happy to support the conference agreement.

I think there are three themes particularly that have already been mentioned that I would like to reemphasize. One is in increased targeting of JTPA resources and programs toward those most in need of job training services. The second one would be the conference agreement has an amendment to improve both the quality and the integrity of the program, which is very important. And third, the final theme of the conference report we are considering today is recognition that the obtaining services provided under JTPA will be most effective when offered in conjunction with related services provided under other Federal, State, and local human resource programs.

Too many times each group is going off doing their own thing. Nothing is coordinated. We spend a lot of money; we do not accomplish what it is we intend to accomplish.

I think this conference report will give us the kind of job training program we will need, not only for tomorrow but for years to come.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER], a member of the subcommittee.

Mr. OLVER. Mr. Speaker, I rise in strong support of the conference report on H.R. 3033 and I would like to express my appreciation to my distinguished chairman from Kentucky for the opportunity to work with him on this legislation.

Mr. Speaker, H.R. 3033 represents a major step forward in meeting the needs of Americans, young and old, for better job training services. JTPA is our most important program to help people upgrade their skills and find permanent employment, and this legislation will help ensure that our training dollars are spent effectively.

By creating a separate youth program, including the Youth Opportunities Unlimited Program and its job guarantees, we will begin to help dropouts and other youth who are not headed to college to get long overdue assistance in joining the work force. The bill also makes great strides forward in reaching out to hard-to-serve individuals to help them become productive members of society.

As I think everyone recognizes, particularly those of us who worked on these improvements to JTPA, much remains to be done to improve our job training services for the disadvantaged, for displaced workers, and for noncollege bound youth.

This legislation improves targeting, increases fiscal accountability, and increases coordination of resources—all important goals as we invest in Americans—in our human capital so crucial to our future economic growth.

But none of us should consider these amendments sufficient to ensure our continued economic strength, productivity, and high standard of living. We

need to aggressively adopt a high skills, high wage strategy which depends on an active school-to-work transition and life-long training opportunities.

I would also say that this conference was a model in its bipartisan cooperation. We need to demonstrate more frequently that Democrats and Republicans can come together, laying aside partisan politics, and work together to find common solutions to the problems which face America.

I thank my colleagues on both sides of the aisle for the opportunity to work with them, and I look forward to continuing to work with them as we forge the job training programs that our future requires.

□ 1750

Mr. GUNDERSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY], another member of our subcommittee who has been actively involved in this legislation through the months.

Mr. HENRY. Mr. Speaker, one of the concerns I in particular have had has been the whole issue of preserving a separate category of services for seniors, unemployed adults over the age of 55, under the JTPA. One of the problems we had over the last 4 years that we have been working on this reauthorization is the fact that under the original act many States did not avail themselves of this program, and yet some of those who did have very effective programs, and the distinguished chairman of the subcommittee, the gentleman from Kentucky [Mr. PERKINS] at the same time was resisting attempts to carve out all sorts of set-asides which would in fact diminish the flexibility of States to tailor programs to local needs.

Mr. Speaker, I want to acknowledge the balance with which he approached that issue, and the fact that we have the bill, which I think protects program integrity and flexibility, but at the same time does indeed protect special allocations and set-asides for delivery assistance to our older workers under this act.

Also, in keeping with the attempt to try to integrate JTPA with other social services, I would point out that the bill includes specific provisions on coordination between the older workers' program under JTPA and title V, "Community Service Employment," under the Older Americans Act.

For these and many other reasons, Mr. Speaker, I join with my colleagues on both sides of the aisle in urging adoption of the conference report.

Mr. Speaker, I rise in support of the conference report on H.R. 3033, the Job Training Reform Amendments of 1992.

These amendments have been a long time in working their way through the legislative process. The changes to JTPA are generally rather technical, but they respond to criticisms made over the years of the JTPA Program, and in doing so help to strengthen the program.

I especially want to cite the older worker provisions of the conference report. The conference report maintains the current system of a set-aside from the State's title IIA allocation for programs serving unemployed adults 55 years old and older. The State set-aside however will be increased from 3 percent to 5 percent of the State's title IIA allocation. I have been very supportive of maintaining a set-aside for older worker programs in order to preserve the separate and distinct focus of these programs within JTPA, and I am pleased that the conference report does indeed maintain and increase separate older worker funding.

Criticisms have been made in the past regarding a lack of accountability in some areas for the older worker programs. In addition to maintaining the State set-aside for funding, the conference report adds a number of requirements to address these concerns. States must develop performance criteria specifically for older worker programs. The conference report also requires that States serve older workers throughout the State on an equitable basis. Finally, the bill includes specific provisions on coordination between the older worker programs under JTPA and the title V community service employment under the Older Americans Act.

Overall, in the older worker program and in other areas, the conference report responds to concerns and criticisms without undercutting the program. I am pleased to support conference, and I urge my colleagues to support it.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I would like to congratulate Chairmen FORD and PERKINS for their work in moving this conference report before us today.

This legislation incorporates my Job Corps amendments, H.R. 1364 of last year, which more than 90 of my colleagues cosponsored. These amendments: First, clarify the authority to permit concurrent or subsequent participation in Job Corps and JTPA for the benefit of the individual; second, increase the limitation on nonresidential participation in Job Corps from 10 percent to 20 percent nationally; third, provide alcohol and drug abuse counseling; fourth, permit up to 20 percent of the individuals enrolled to be age 22 to 24; fifth, provide child care services; and sixth, protect against the contracting out of the administration by a nongovernment entity of Civilian Conservation Corps Job Corps centers on public lands.

In addition, it includes my legislation, H.R. 1365, the Disaster Relief Employment Act. This legislation, with more than 40 cosponsors, creates permanent authority to continue to allow the Secretary to respond to natural disasters, such as fires, tornadoes, hurricanes, and droughts.

The conference report includes the necessary reforms to insure the role of the State education agency in spending the 8 percent funds for education coordination under this act.

This legislation adopted my language to establish a national training network using computer-based technologies to improve the quality of service delivery at the local level. It also reforms the administration of Indian programs under this act.

It provides a job guarantee for youth who are progressing in school or school equivalency.

The conference agreement incorporates new assurances that training funds are not used to encourage the relocation of existing jobs. Finally, it also provides that when JTPA's labor protections are violated, workers are assured their grievances will be heard by the Secretary of Labor and the effective remedies are available when such violations occur.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ], former chairman of the subcommittee.

Mr. MARTINEZ. Mr. Speaker, I rise in support of the conference report on H.R. 3033, the Job Training Reform Amendments of 1992, which amends the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults.

I want to praise the diligence of the chairman of the Committee on Education and Labor, Mr. FORD, as well as the chairman of the Subcommittee on Employment Opportunities, Mr. PERKINS, for producing a conference report on JTPA following 4 years of deliberations.

Work on the JTPA reform bill began 4 years ago when I was the chairman of the Subcommittee on Employment Opportunities. Back then, former Education and Labor Committee Chairman Gus Hawkins and I believed that JTPA could be more accountable to taxpayers and reach the hardest to serve individuals if the program was fine-tuned through a new legislative mandate.

Our bill, H.R. 2039, was approved by a margin of 416 to 1 in the House on September 27, 1990. Unfortunately, the House bill died in the 101st Congress because the other body failed to act until the last day of that session. By then it was too late.

But today it is not too late. Today, we have the opportunity to vote for a conference report that will make JTPA a better program by: Targeting the hard-to-serve; creating a year-round youth program; initiating objective participant assessments; reforming on-the-job training; improving fiscal accountability; and updating performance standards.

In addition to these crucial reforms, the conference agreement includes provisions to combat discrimination and

underservice to racial and ethnic minorities and women in the JTPA Program.

I offered these antidiscrimination provisions on behalf of Government Operations Committee Chairman CONYERS and Employment and Housing Subcommittee Chairman LANTOS during the Education and Labor Committee markup of H.R. 3033. It is our hope that these provisions guarantee greater participation of minorities and women in our Nation's job training programs.

Finally, this conference report will result in the initiation of the Jobs for Employable Dependent Individuals Act Program—otherwise known as JEDI. Senator EDWARD KENNEDY and I first acquired an authorization for the JEDI Program in the Stewart B. McKinney Homeless Assistance Act.

The JEDI Program, as amended in the conference report, would encourage States to provide job training and placement to absent parents of children who receive AFDC or Social Security disability income. JEDI will award bonuses to States for reducing welfare costs and placing participants in employment.

I am grateful to the conferees for recognizing that JEDI is a long-term, cost-efficient, and human solution to getting people off welfare and keeping them off the welfare rolls.

Mr. Speaker, the JEDI Program and other job training reforms in this conference report reaffirms JTPA's original mandate to help the most disadvantaged members of our community become economically self-sufficient. For that reason, I strongly urge my colleagues to approve this conference report.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of H.R. 3033.

I commend the gentleman from Michigan [Mr. FORD] and the gentleman from Kentucky [Mr. PERKINS] for their outstanding work and leadership on this vital job training bill.

The underlying philosophy of the Job Training Partnership Act is to train disadvantaged workers by means of a partnership between government and industry.

Over the years, this partnership has worked well in my district in Louisville and Jefferson County.

I would like to call attention to two important provisions in H.R. 3033: The out-of-school youth provision and the schoolwide projects provision.

I understand that H.R. 3033 provides that 50 percent of the youths served must be out of school.

I also understand that bill permits the continuation of schoolwide programs, which target students who are at risk of dropping out of school.

The Louisville education and employment partnership in my district is a 5-year-old schoolwide program which provides students with job counseling and pairs each with a mentor.

The program has been hailed as a national model for its success in keeping students in school, and the provisions of H.R. 3033 will assure that exemplary programs like this will continue.

I urge my colleagues to vote for the conference report.

Mrs. MINK. Mr. Speaker, I rise in support of the conference report on H.R. 3033, the Job Training Partnership Act.

The JTPA is sensible legislation that puts people first. It invests in the people of our Nation—our most valuable commodity—by encouraging the development of human potential. The surest way for government to encourage the development of human potential is to provide the people with the means to empower themselves. The JTPA does just that by providing job training and a means to self-improvement.

The conference report on H.R. 3033 will improve the services provided under the JTPA, which is currently the largest Federal program that educates and trains our work force, by targeting services to ensure that it reaches those who actually need it the most, by separating services for adults and youth into two distinct groups so that the special needs of each group can be addressed more effectively, by providing individualized assessments of the education, skills, and service needs of each participant, by strengthening fiscal accountability and by reaching out to poor communities to enable the JTPA to provide comprehensive services to low-income youth. These improvements to the JTPA reflect a broad consensus among Federal, State, and local service providers about what changes are necessary to improve the program and to better coordinate its delivery to the disadvantaged.

The conference report retains the House provision providing for the voluntary establishment of State human resource investment councils in each State. These councils will provide the vehicle to better coordination of job training, vocational education, adult education, community service, unemployment compensation, food stamp, and other domestic programs. The final agreement allows for expanded participation on the council and greater flexibility to insure that States can best meet their employment and job training needs.

In the challenging economic times we live in, training and skills are necessary to compete in the job market. A well-trained work force is a powerful weapon in the war against recession and worker displacement. On a global scale, workers who possess the skills to produce a product or service that can withstand challenge from any other nation is assured of supremacy in the competitive world market. The JTPA is designed to harness our entire labor pool giving us that competitive edge in the world market and thereby ensuring the economic well-being of the entire Nation.

In my home State of Hawaii, the JTPA has provided Federal funds for many worthwhile programs such as the Hawaii Job Corps, the Summer Youth Program, the Seasonal Farmworkers Program on the Islands of Maui and Hawaii, the Veteran's Program, Alu Like for people of Hawaiian ancestry, and other programs geared toward the needs of Pacific Island and Asian immigrants. These are a few of the many programs that have reached out to different factions of our society in Hawaii, and encouraged involvement and participation through job training.

The JTPA is not a government handout, it is an opportunity to grow, to develop individual talents and skills necessary to achieve a fuller, more meaningful participation in the work force. The JTPA targets the disadvantaged, those with the most barriers to employment. By providing job training for the disadvantaged, we go back to our roots as a government for the people.

The JTPA has funded many worthwhile programs throughout the States, and its benefits are apparent. The JTPA deserves our continued support. I urge all of my colleagues to support the conference report on H.R. 3033.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of the conference report on H.R. 3033, the Job Training Reform Amendments of 1992. I would like to commend the leadership of the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources for their hard work and leadership on this legislation. Through their good work, JTPA will be serving the poorest of the poor—those most in need of job training, education, and economic opportunity.

I am pleased to say that the conference report includes two microenterprise proposals developed by the leadership of the House Select Committee on Hunger. For many people, Mr. Speaker, the route out of poverty is through their own small business. Yet most of our welfare-to-work programs have not offered that option. The conference report on H.R. 3033 clarifies that JTPA funds can be used for microenterprise training, and authorizes the Secretary of Labor to set up 10, $500,000 competitive grants for States to develop community-based microenterprise programs.

I commend both committees and the conferees for their vision and commitment to innovative proposals to enable the poor to make their own way in the world. I urge my colleagues to support this important bill.

□ 1800

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

Mr. PERKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and agree to the conference report on the bill, H.R. 3033.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5466, AIRLINE COMPETITIVENESS ENHANCEMENT ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 541 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 541

Resolved, That at any time after the adoption of this resolution the speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5466) to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 541 is an open rule providing for consideration of H.R. 5466, the Airline Competition Enhancement Act. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Public Works and Transportation Committee.

The rule makes in order the Public Works committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Airline Competition Enhancement Act will enhance competition among air carriers by regulating the computer reservation systems used by travel agents to check airline schedules, make reservations, and issue tickets. The bill would prohibit an air carrier that operates a computer reservation system from discriminating against other air carriers that participate in the system as well as travel agents which subscribe to the system. The bill limits the terms of contracts between a computer reservation service and travel agent to 3 years and prohibits computer reservation services from including certain restrictive provisions in such contracts.

The bill also contains provisions to amend the Federal Aviation Act that govern airline service to small communities and requires commuter airlines to comply with regulations concerning on-time performance. Finally, the bill would clarify that the Federal Aviation Administration may require criminal history background checks to be conducted on certain industry employees.

Mr. Speaker, House Resolution 541 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill.

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

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

By way of background, Mr. Speaker, virtually all tickets sold by travel agents are sold through a computer reservation system. American and United Airlines control more than 60 percent of the national market and an even higher percentage of certain regional markets. Investigations by the Justice Department, Transportation Department, and GAO have all concluded that American and United have monopoly powers in the computer reservation system industry and are using these powers to inhibit competition in the airline industry.

It has also been found that American and United Airlines have charged other airlines participating in their computer reservation system's excessive booking fees which have produced returns on capital of 50 percent for United and 75 percent for American. United's and American's computer reservation systems also have architectural bias which makes it easier and more reliable for a travel agent to obtain information and make a booking on the airline owning the computer reservation system than on other airlines.

H.R. 5466 would amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system. It also limits contracts between computer reservation system vendors and users to 3 years.

H.R. 5466 also directs the Department of Transportation to consider reducing drug-testing rates for airline employees and requires commuter airlines to publish their flight cancellation statistics.

I do want to point out that the administration strongly opposes enactment of the bill. Among other things, the administration finds that the bill would mandate such diverse and detailed matters as computer reservations systems contract expiration dates, liquidated damages clauses, and the conditions for upgrading computer hardware or software. The administration believes that freezing such details in statutes will create problems as circumstances change and different solutions become available. The policy statement states that the bill unnecessarily interferes with the Department of Transportation's exercise of its rulemaking authority and the orderly development of regulations through notice and public comment.

Mr. Speaker, this bill is not without opposition. However, under this open rule there is an opportunity to correct any problems. I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the distinguished Republican chairman emeritus of the Committee on Rules for yielding me this time. I rise simply to extend congratulations to my colleagues on the Rules Committee for granting this open rule.

Over the past several months we have had a wide range of Members who when time constraints have been imposed on amendments or limitations on debate, they still like to label the rule an open rule. Those are not open rules, Mr. Speaker. This is an open rule. And it is for that reason that I would like to stand here and congratulate my very good friend, the deputy whip from South Carolina, and my friend from Tennessee for moving ahead with legislation that clearly is controversial, but the procedure under which we will consider this bill is a very favorable one, and I hope that we use it more often in the legislative process here, and follow the lead often set by the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], who regularly likes to ask for open rules.

So, I thank my friend for yielding me the time, and I hope that we will have support for this open rule.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support this rule.

I was pleased to join with the leadership of the Public Works and Transportation Committee in their request for an open rule on H.R. 5466. The Rules Committee is to be commended for proposing to grant that request here.

The bill that is the subject of this rule has not been without controversy. However, it does address many of the problems facing the airline industry. With this open rule, Members will have an opportunity to offer other ways to address the serious issues we are confronting here.

Accordingly, I would urge the adoption of this rule by the House.

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

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

SMALL BUSINESS INNOVATION DEVELOPMENT AMENDMENT ACT OF 1992

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4400) to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4400

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 "Small Business Innovation Development Amendment Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Small Business Innovation Research Program established by the Small Business Innovation Development Act of 1982 has been effective in encouraging the participation of small businesses in Federal research and development.

(2) The Small Business Innovation Research Program has stimulated technological innovation by small businesses participating in the program.

(3) Small businesses participating in the Small Business Innovation Research Program have demonstrated that they are among the most competent and cost-effective providers of high quality research and development.

(4) Small businesses participating in the Small Business Innovation Research Program have provided innovative products and services which are vital to the national defense, the exploration of space, the advancement of science, the promotion of the health, safety, and welfare of United States citizens, and many other fields important to the functions of the Federal Government.

(5) The Small Business Innovation Research Program has been successful in converting Federal research and development into innovative products benefiting both the United States Government and the commercial marketplace.

(6) By moving technology from the laboratory to the marketplace, the Small Business Innovation Research Program has expanded business opportunities, increased productivity, created jobs, stimulated the introduction of new products by high technology-related firms, and made United States industry more competitive.

(7) The Small Business Innovation Research Program has also resulted in a positive benefit to the Nation's balance of trade by increasing exports from small businesses.

(8) Federal employees have exhibited skill and innovation in implementing the Small Business Innovation Research Program.

(9) The Small Business Innovation Research Program can provide productive employment to the Nation's scientists and engineers who have been displaced due to cuts in the budget of the Department of Defense and due to economic recession.

(10) Despite the fact the Small Business Innovation Research Program has achieved its participation goals, the proportion of Federal funds for industrial research and development received by small businesses remains at 3 percent (the same level as in 1982), although private sector use of small businesses for research and development doubled during the 1980's.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and improve the Small Business Innovation Research Program;

(2) to modify the Small Business Innovation Research Program to emphasize private sector commercialization of technology derived from Federal research and development; and

(3) to increase the opportunity for participation in Federal research and development by small businesses.

SEC. 3. EXTENSION OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

Section 5 of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note) is amended by striking "1993" and inserting "2000".

SEC. 4. AMENDMENTS TO SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) DEFINITION OF SBIR.—Subsection (e)(4) of section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subparagraph (A), by inserting "that appear to have commercial potential (as described in subparagraph (C)) and that are" after "ideas"; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) a second phase, to further develop proposed ideas which meet particular program needs, in which awards shall be made—

"(i) based on the scientific and technical merit and feasibility of the idea as evidenced by the first phase; and

"(ii) taking into consideration factors relating to the commercial potential of the idea, including—

"(I) whether or not the idea is proposed by a small business concern that has been as successful as comparable awardees in the commercial application of SBIR research;

"(II) whether or not there are commitments for contributions to second phase funding of the idea;

"(III) whether or not there are third phase, follow-on commitments for the idea; and

"(IV) whether or not the idea has other qualities indicating commercial potential that will be difficult to achieve without SBIR assistance or similar assistance; and

"(C) where appropriate, a third phase in which non-Federal capital pursues commercial applications of the research or research and development and which may also involve follow-on, non-SBIR funded awards with a Federal agency for products or processes intended for use by the United States Government and which is a continuation of research or research and development that has been competitively selected using peer review or scientific review criteria established pursuant to subparagraphs (A) and (B);".

(b) REPEAL OF EXCLUSION OF CERTAIN ACTIVITIES.—

(1) DOD OPERATIONAL SYSTEMS DEVELOPMENT.—Subsection (e)(1) of such section is amended by striking "except that for the Department of Defense" and all that follows through "development, and".

(2) DOE DEFENSE-RELATED R&D ACTIVITIES.—

(A) Subsection (e)(1) of such section is further amended by striking the semicolon at the end and inserting ", and except that for the Department of Energy it shall not include amounts obligated for atomic energy defense programs solely for weapons activities or for naval reactor programs;".

(B) Subsection (f) of such section is amended by striking paragraph (2).

(c) REQUIRED EXPENDITURES FOR SBIR BY FEDERAL AGENCIES.—

(1) Subsection (f) of such section, as amended by subsection (b)(2), is amended to read as follows:

"(f)(1) Each Federal agency which for any fiscal year has an extramural budget for research, or for research and development, in excess of $100,000,000 shall expend for that fiscal year and each fiscal year thereafter not less than the percentage of that extramural budget for that year specified in paragraph (2) with small business concerns specifically in connection with a small business innovation research program that meets the requirements of this section and regulations issued under this section.

"(2)(A) The percentage under paragraph (1) for any fiscal year for each Federal agency is determined in accordance with the following table:

"For fiscal year:	The percentage is:
1993	1.25
1994	1.5
1995	1.75
1996	2.0
1997	2.25
1998 and thereafter	2.5.

"(B) If the determination of the head of a Federal agency under subparagraph (C) is a negative determination (as set forth in that subparagraph), then the percentage under paragraph (1) for that Federal agency for fiscal years after fiscal year 1996 shall remain at the level applicable for fiscal year 1996 (notwithstanding the percentages specified in subparagraph (A) for fiscal years after fiscal year 1996).

"(C) Not later than June 30, 1996, the head of each Federal agency that is covered by paragraph (1) during fiscal year 1996 shall determine whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by that agency under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to that agency would

adversely affect the performance of the agency's research programs. If the determination of the head of the agency is that there has been such a demonstrable reduction in the quality of research such that increasing the percentage under subparagraph (B) for fiscal years after fiscal year 1996 with respect to that agency would adversely affect the performance of the agency's research programs, the head of the agency shall be considered for purposes of subparagraph (B) to have made a negative determination. The determination of the head of an agency under this subparagraph shall be made after considering the assessment of the Comptroller General with respect to that agency in the report transmitted under subparagraph (D).

"(D) Not later than March 30, 1996, the Comptroller General shall transmit to the Congress and the head of each agency that is covered by paragraph (1) during fiscal year 1996 a report setting forth the Comptroller General's assessment, with respect to each such agency, of whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by that agency under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to that agency would adversely affect the performance of the agency's research programs.

"(E) The results of each determination under subparagraph (C) shall be transmitted to the Congress not later than June 30, 1996.

"(3) A Federal agency may not make available for the purpose of meeting the requirements of paragraph (1) an amount of its extramural budget for any fiscal year for basic research that exceeds the percentage specified in paragraph (1) applicable to that fiscal year.

"(4) A funding agreement with a small business concern for research, or for research and development, that results from competitive or single source selection other than a small business innovation research program shall not be counted as meeting any portion of the percentage requirements of paragraph (1) for any fiscal year.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1992.

(d) SBIR SOLICITATIONS.—Section 9(g) of such Act (15 U.S.C. 638(g)) is amended—

(1) by inserting after paragraph (2) the following new paragraph:

"(3) unilaterally determine research topics within the agency's SBIR solicitations, giving special consideration to topics which permit substantial applicant participation in the formulation of the research project consistent with the agency's mission;"; and

(2) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively.

(e) DEADLINE FOR FINAL PAYMENT UNDER SBIR AGREEMENTS.—Paragraph (7) of section 9(g) of such Act (as redesignated by subsection (d)(2)) is amended by inserting before the semicolon the following: "and, in all cases, make payment to recipients under such agreements in full subject to audit on or before the last day of the 12-month period beginning on the date of completion of such requirements".

(f) MODIFICATIONS TO SBIR POLICY DIRECTIVES.—

(1) IN GENERAL.—Section 9(j) of such Act is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ", within one hundred and twenty days" and all that follows through "of 1982,"; and

(ii) by striking "providing for—" and inserting "providing for the following:"

(B) by capitalizing the first letter of the first word of each of paragraphs (1) through (7);

(C) by striking the semicolon at the end of each of paragraphs (1) through (5) and inserting a period;

(D) by striking "; and" at the end of paragraph (6) and inserting a period; and

(E) by adding at the end the following new paragraphs:

"(8) Retention by a small business concern of the rights to data generated by the concern in the performance of an SBIR award for a period of at least four years.

"(9) Continued use by a small business concern as a directed bailment for a period of not less than two years beginning on the date of participation in phase III of a small business innovation research program of any property transferred by a Federal agency to the small business concern in phase II of the program.

"(10) Procedures to ensure that, to the extent practicable, an agency which intends to pursue research, development, or production of a technology developed by a small business concern under a small business innovation research program enter into follow-on, non-SBIR funded contracts with the small business concern for such research, development, or production.

"(11) A level of $75,000 for the amount of funds which ar agency may award in the first phase of a small business innovation research program, such amount to be adjusted by the Administration on October 1, 1997, and each five years thereafter to reflect economic adjustments and programmatic considerations.

"(12) Procedures to ensure that a small business concern that submits a proposal for a phase II SBIR funding agreement and that has received more than 20 phase I SBIR awards during the preceding five fiscal years is required to document in its proposal the extent to which it has been able to commercialize previous SBIR research.".

(2) EFFECTIVE DATE.—The policy directives required by paragraphs (8), (9), (10), (11), and (12) of section 9(j) of the Small Business Act, as added by paragraph (1), shall be issued not later than 90 days after the date of the enactment of this Act.

(g) ELIMINATION OF OFFICE OF SCIENCE AND TECHNOLOGY POLICY REPORTING REQUIREMENT.—Section 9 of such Act (15 U.S.C. 638) is amended by striking subsection (k).

(h) REPORTING OF CERTAIN AWARDS.—

(1) IN GENERAL.—Section 9 of such Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

"(k)(1) If a Federal agency required by subsection (f) to establish a small business innovation research program makes a phase I award with respect to an SBIR solicitation topic or subtopic for which the agency received only 1 proposal, the agency shall provide written justification for making the award in the next annual report required of the agency by subsection (g)(8).

"(2) If such an agency makes a phase II award to an entity that has received more than 20 phase I SBIR awards during the preceding five fiscal years and that has been unable to achieve an average rate of success in the commercialization of SBIR research (as determined by the agency in consultation with the Administration), the agency shall provide written justification for making that award in the next annual report required of the agency by subsection (g)(8).".

(2) CONFORMING AMENDMENT.—Paragraph (5) of section 9(g) of such Act (as redesignated by subsection (d)(2)) is amended by inserting "subject to subsection (k)," before "unilaterally".

(i) INFORMATION ON ALLOWABLE EXPENSES.—Paragraph (5) of section 9(g) of such Act (as redesignated by subsection (d)(2) and amended by subsection (h)(2)) is further amended by inserting before the semicolon the following: "and inform each awardee under such an agreement, to the extent possible, of the expenses of the awardee that will be allowable under the funding agreement".

SEC. 5. REPORT BY COMPTROLLER GENERAL ON SBIR PROGRAM IMPLEMENTATION.

Not later than September 30, 1996, the Comptroller General shall transmit to the Congress a report on the implementation of the amendments to section 9 of the Small Business Act made by section 4. The report shall contain the following:

(1) A review of the progress made by Federal agencies in meeting the requirements of section 9(f)(1) of the Small Business Act, (relating to minimum expenditures under a small business innovation research program), including increases in such minimum expenditures required by the amendments to such section made by section 4.

(2) An analysis of participation by small business concerns in the third phase of small business innovation research programs described in section 9(e)(4)(C) of the Small Business Act, including a systematic evaluation of the techniques adopted by Federal agencies to foster commercialization.

(3) An analysis of the extent to which awards under small business innovation research programs are made pursuant to section 9(k) in cases in which a program solicitation receives only one proposal.

(4) The results of any periodic random audits of the extramural budget (as defined in section 9(e)(1) of the Small Business Act) of each Federal agency conducted by the General Accounting Office.

SEC. 6. SENSE OF CONGRESS CONCERNING AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that an entity that is awarded a funding agreement under the Small Business Innovation Research Program of a Federal agency under section 9 of the Small Business Act should, when purchasing any equipment or a product with funds provided through the funding agreement, purchase only American-made equipment and products, to the extent possible in keeping with the overall purposes of that program.

(b) NOTICE TO SBIR AWARDEES.—Each Federal agency that awards funding agreements under the Small Business Innovation Research Program shall provide to each recipient of such an award a notice describing the sense of Congress set forth in subsection (a).

SEC. 7. ESTABLISHMENT OF SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) ADDITIONAL SBA DUTIES.—Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (4), by inserting "and small business technology transfer" after "small business innovation research"; and

(2) in paragraphs (5), (6), and (7), by inserting "and STTR" after "SBIR" each place it appears.

(b) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM DEFINED.—Section 9(e) of such Act (15 U.S.C. 638(e)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding at the end the following new paragraphs:

"(6) the term 'Small Business Technology Transfer Program' or 'STTR' means a program under which a portion of a Federal agency's research or research and development effort is reserved for award to small business concerns for cooperative research and development through a uniform process having —

"(A) a first phase for determining, insofar as possible, the scientific, technical, and commercial merit and feasibility of ideas submitted pursuant to STTR program solicitations;

"(B) a second phase, to further develop proposed ideas which meet particular program needs, in which awards shall be made based on the scientific, technical, and commercial merit and feasibility of the idea as evidenced by the first phase and by other relevant information; and

"(C) where appropriate, a third phase in which non-Federal capital pursues commercial applications of the cooperative research and development and which may also involve follow-on, non-STTR funded awards with a Federal agency for products or processes intended for use by the United States Government and which is a continuation of research or research and development that has been competitively selected using peer review or scientific review criteria established pursuant to subparagraphs (A) and (B);

"(7) the term 'cooperative research and development' means research or research and development conducted jointly by a small business concern and a research institution in which a minimum of 30 percent of the work is performed by the small business concern and a minimum of 30 percent of the work is performed by the research institution; and

"(8) the term 'research institution' means—

"(A) a Federal laboratory, as defined in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)); and

"(B) a nonprofit institution, as defined in section 4(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5)).".

(c) ESTABLISHMENT OF SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAMS BY CERTAIN FEDERAL AGENCIES.—Section 9 of such Act (15 U.S.C. 638) is amended by adding at the end the following new subsections:

"(1)(1) Each Federal agency which for any fiscal year has a budget for research, or for research and development, in excess of $1,000,000,000 shall expend for that fiscal year and each fiscal year thereafter not less than the percentage of that budget for that year specified in paragraph (2) with small business concerns specifically in connection with a small business technology transfer program that meets the requirements of this section and regulations issued under this section.

"(2)(A) The percentage under paragraph (1) for any fiscal year for each Federal agency is determined in accordance with the following table:

"For fiscal year:	The percentage is:
1994	0.05
1995	0.1
1996	0.15
1997	0.2
1998 and thereafter	0.25

"(B) If the determination of the head of a Federal agency under subparagraph (C) is a negative determination (as set forth in that subparagraph), then (notwithstanding the percentages specified in subparagraph (A))—

"(1) the percentage under paragraph (1) for that Federal agency for fiscal year 1997 shall be 0.15; and

"(2) that agency shall not be subject to this subsection for fiscal years after fiscal year 1997.

"(C) Not later than June 30, 1996, the head of each Federal agency that is covered by paragraph (1) during fiscal year 1996 shall determine whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by that agency under the STTR program since the beginning of the program such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to that agency would adversely affect the performance of the agency's research programs. If the determination of the head of the agency is that there has been such a demonstrable reduction in the quality of research such that increasing the percentage under subparagraph (B) for fiscal years after fiscal year 1996 with respect to that agency would adversely affect the performance of the agency's research programs, the head of the agency shall be considered for purposes of subparagraph (B) to have made a negative determination. The determination of the head of an agency under this subparagraph shall be made after considering the assessment of the Comptroller General with respect to that agency in the report transmitted under subparagraph (D).

"(D) Not later than March 30, 1996, the Comptroller General shall transmit to the Congress and the head of each agency that is covered by paragraph (1) during fiscal year 1996 a report setting forth the Comptroller General's assessment, with respect to each such agency, of whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by that agency under the STTR program since the beginning of the program such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to that agency would adversely affect the performance of the agency's research programs.

"(E) The results of each determination under subparagraph (C) shall be transmitted to the Congress not later than June 30, 1996.

"(3) A Federal agency may not make available for the purpose of meeting the requirements of paragraph (1) an amount of its budget for any fiscal year for basic research that exceeds the percentage specified in paragraph (1) applicable to that fiscal year.

"(4) A funding agreement with a small business concern for research, or for research and development, that results from competitive or single source selection other than under a small business technology transfer program shall not be counted as meeting any portion of the percentage requirements of paragraph (1) for any fiscal year.

"(m) Each Federal agency required by subsection (l) to establish a small business technology transfer program shall, in accordance with this Act and regulations issued under this Act, have the authority and the responsibility to do the following:

"(1) Unilaterally determine categories of projects to be in its STTR program.

"(2) Issue STTR solicitations in accordance with a schedule determined cooperatively with the Small Business Administration.

"(3) Unilaterally determine research topics within the agency's STTR solicitations, giving special consideration to topics which permit substantial applicant participation in the formulation of the research project consistent with the agency's mission.

"(4) Unilaterally receive and evaluate proposals resulting from STTR solicitations.

"(5) Unilaterally select awardees for its STTR funding agreements and inform each awardee under such an agreement, to the extent possible, of the expenses of the awardee that will be allowable under the funding agreement.

"(6) Administer its own STTR funding agreements (or delegate such administration to another agency).

"(7) Make payments to recipients of STTR funding agreements on the basis of progress toward or completion of the funding agreement requirements and, in all cases, make payment to recipients under such agreements in full subject to audit on or before the last day of the 12-month period beginning on the date of completion of such requirements.

"(8) Make an annual report on the STTR program to the Small Business Administration and the Office of Science and Technology Policy.

"(n) The Small Business Administration shall issue policy directives for the general conduct of the STTR programs within the Federal Government. Such policy directives shall be issued after consultation with the Federal agencies required by this section to establish a small business technology transfer program. Such policy directives shall include providing for the following:

"(1) Simplified, standardized, and timely STTR solicitations.

"(2) A simplified, standardized funding process which provides for—

"(A) the timely receipt and review of proposals;

"(B) outside peer review, if appropriate;

"(C) protection of proprietary information provided in proposals;

"(D) selection of awardees;

"(E) retention of rights in data generated in the performance of funding agreements;

"(F) transfer of title to property provided by the agency to the STTR awardee if such a transfer would be more cost effective than recovery of the property by the agency;

"(G) cost sharing;

"(H) cost principles and payment schedules; and

"(I) one-year phase I awards generally not to exceed $100,000, and two-year phase II awards generally not to exceed $500,000, with agency flexibility to make awards of greater or lesser amounts.

"(3) Minimizing regulatory burden associated with participation in the STTR programs.

"(4) Development by the agencies of model agreements between small business concerns and research institutions governing allocation of STTR awards and intellectual property rights.

"(5) Development by the agencies of procedures to address issues of conflict of interest and of fair access to the Federal laboratories that may arise under the STTR programs, including (with respect to conflict of interest issues) procedures to—

"(A) use outside peer review, as appropriate; and

"(B) ensure that Federal laboratory employees who wish to submit an STTR proposal with a small business concern do not have unfair access to agency employees who are involved in the preparation of agency STTR solicitations.

"(6) Development of a minimum standard for commercial viability that a small business concern must meet in order to participate in the STTR program, on the basis of—

"(A) whether the small business concern contains at least one full-time employee in a management position who is not also employed by the research institution with which the small business concern wishes to submit an STTR proposal;

"(B) whether the small business concern can demonstrate evidence of a significant source of financing other than the STTR award; and

"(C) whether the small business concern can demonstrate evidence of a commercialization plan.

"(7) Development by the agencies of procedures for assessing the commercial merit and feasibility of proposals submitted jointly by a small business concern and a research institution pursuant to an STTR program solicitation, based on such criteria as—

"(A) whether or not the small business concern has been as successful as comparable awardees in the commercial application of previous STTR and SBIR research;

"(B) whether or not there are commitments for contributions for first-phase or second-phase funding;

"(C) whether or not there are third-phase, follow-on commitments; and

"(D) whether or not there are other qualities indicating commercial potential that will be difficult to achieve without STTR assistance or similar assistance.".

(d) EFFECTIVE DATE FOR STTR POLICY DIRECTIVES AND AGENCY IMPLEMENTATION.—

(1) POLICY DIRECTIVES.—The policy directives required to be issued by the Small Business Administration under subsection (n) of section 9 of the Small Business Act, as added by subsection (c), shall be issued not later than six months after the date of the enactment of this Act.

(2) AGENCY IMPLEMENTATION.—Each Federal agency required to establish a Small Business Technology Transfer Program under subsection (l) of section 9 of the Small Business Act, as added by subsection (c), shall implement paragraphs (4), (5), and (7) of subsection (n) of such section not later than October 1, 1993.

(e) CONFORMING AMENDMENT.—Section 5 of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note), as amended by section 3, is further amended by striking "(k)" and inserting "(n)".

SEC. 8. REPORT BY COMPTROLLER GENERAL ON STTR PROGRAM IMPLEMENTATION.

(a) REPORT.—Not later than September 30, 1996, the Comptroller General shall transmit to the Congress a report on the implementation of the small business technology transfer programs required to be established by the amendments to section 9 of the Small Business Act made by section 7. The report shall contain the following:

(1) A systematic comparison of the quality of research and development conducted under the STTR programs with the quality of other research and development funded by Federal agencies.

(2) A systematic comparison of the amount of commercialization resulting from research under the STTR programs with the amount of commercialization resulting from other research and development funded by Federal agencies.

(3) the judgments of the heads of Federal agencies participating in STTR programs as to the effect of such programs on research programs.

(b) CONSULTATION IN PREPARATION OF REPORT.—The report under subsection (a) shall be prepared after consultation with economists who study technological change.

SEC. 9. ADDITIONAL SBIR AND STTR PROVISIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by sections 4 and 7, is further amended by adding at the end the following new subsection:

"(o)(1) In the case of a small business concern that is awarded a phase II funding agreement under an SBIR or STTR program, a Federal agency may enter into a phase III contract with that business concern for additional work to be performed during or after the phase II period. The phase II funding agreement with the small business concern may, at the discretion of the agency awarding the agreement, set out the procedures applicable to phase III agreements with that agency or any other agency.

"(2) In this subsection, the term 'phase III contract' means a follow-on, non-SBIR or non-STTR funded contract as described in paragraph (4)(C) or paragraph (6)(C) of subsection (e).

"(3) Each funding agreement under an SBIR or STTR program shall include provisions setting forth the respective rights of the United States and the small business concern with respect to intellectual property rights and with respect to any right to carry out follow-on research.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. IRELAND] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

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

I am pleased to rise today in support of H.R. 4400, the Small Business Innovation Development Amendment Act of 1992. This legislation would reauthorize and expand the existing Small Business Innovation Research Program—SBIR. All three committees of the House that have looked at this legislation have reported favorably on it—the Small Business Committee, the Armed Services Committee, and the Science, Space, and Technology Committee. In addition, we have worked in consultation with the Energy and Commerce Committee to make sure that its concerns are met. Today I join with the chairman of the Armed Services Committee, LES ASPIN, and the chairman of the Science Committee, GEORGE BROWN, to offer a substitute amendment which has the support of all three chairmen.

This moment is particularly meaningful for me. Ten years ago last month, I stood in this Chamber and managed floor consideration of the bill which created the SBIR program. We were on the House floor for 3 days, but with the help of Representatives ANDY IRELAND, IKE SKELTON, NEAL SMITH, NICK MAVROULES, JOE MCDADE, Parren Mitchell, Berkeley Bedell, and others, the small business community won a major victory.

Today I look back with a great sense of pride in what we accomplished then, because SBIR, during its 10 years of existence, has established itself as perhaps the most effective technology program in the Federal Government. Study after studies by the GAO and SBA show that this program has generated a remarkable amount of innovation by small companies. The most recent GAO study documented that SBIR awards over 1984-87 generated more than $1 billion in commercial spinoff of innovative products and developmental funding, and are likely to generate $3 billion more by the end of 1993.

The significance of the program therefore transcends the small business community and the Federal R&D effort; it goes to the much larger issue of long-term economic growth in this country. In the effort to revive long-term growth, nothing is more important than new technology. Technological advance accounts for nearly 50 percent of growth in GNP per person employed during this century, according to growth-accounting studies. And so programs like SBIR, which can give a major impetus to technological innovation, may be the key to reversing the economic stagnation of the past 4 years and, indeed, of the past two decades.

That is clearly the reason why congressional support for this program is so strong. But SBIR is also a success even if it is judged solely by its effect on agency R&D programs. In a 1989 GAO study, all 11 Federal agencies which participate in SBIR reported that SBIR has had a favorable impact on their research programs. The study also found that the quality of SBIR research is comparable to, and in some cases exceeds, the quality of other agency-funded research.

On the basis of such compelling evidence, a number of highly respected groups have called for an expansion of the SBIR program. The National Academy of Sciences, in a recent report, called for an expansion of SBIR, describing it as "an important program that supports civilian technology development." In the House, an Armed Services Committee panel on the defense industrial base, under the leadership of Representative DAVE MCCURDY, called for a doubling of the size of DOD's SBIR program. And in the Senate, a Republican leadership report on defense change called for a doubling of the program.

The substitute amendment that we consider today would raise the SBIR percentage from its current level of 1.25 percent to 2.5 percent by fiscal year 1998. It would also expand the base of extramural research at the Defense Department out of which the SBIR percentage is calculated. As a hedge, the agencies would be able to stop the expansion of the program at 2 percent in fiscal year 1996 if they find that there has been a demonstrable reduction in the quality of SBIR research between 1993 and 1996. But from everything we have learned about the SBIR program to date, I personally am overwhelmingly confident that the quality of SBIR research will continue to be very strong, and that the program will reach the 2.5 percent level by fiscal year 1998. The bill would also increase the program's emphasis on commercialization.

I wish to say a few words about an important new initiative in this bill—

the Small Business Technology Transfer program—STTR. This initiative was pioneered by Representative GLENN POSHARD in close cooperation with myself and Representatives IKE SKELTON and NICK MAVROULES of the Small Business Committee. In the Armed Services Committee, it received strong support from Mr. MAVROULES and Representative MARILYN LLOYD. In the Science Committee, it received strong support from Ms. LLOYD and Representative TIM VALENTINE. STTR was explicitly authorized by both the Small Business Committee and the Armed Services Committee, and the Science Committee expressed its support in report language.

Simply put, this initiative would fund cooperative research projects involving a small, innovative company and a researcher at a university, Federal laboratory, or nonprofit research institution. The goal is to foster widespread commercialization of research at these institutions, and thereby harness the great strength of our research institutions for our Nation's economic benefit. As under SBIR, all STTR research would support the mission of the sponsoring agency.

This new program, though modest in size, could make an important contribution to this Nation's economic performance. Our universities, Federal laboratories, and nonprofits represent a huge, and largely untapped, reservoir of commercially promising ideas. Together, these institutions perform $40 billion in R&D each year, and employ one out of every four scientists and engineers in the country. Now, these scientists and engineers spend their careers conducting basic and applied research, and, in the course of that research, they often recognize important commercial applications. But no efficient mechanism exists to enable them to pursue those applications. And so, many great ideas for new commercial products are left unexplored and unexploited.

STTR would draw upon the talents of small, innovative companies to move such ideas from the research institution to the market. Thus, I believe that STTR will make a major contribution to the technological competitiveness of American industry. And from a more parochial standpoint, STTR will stimulate small business, high technology economic development around research institutions in every State of this country.

I wish to address an issue that was raised 10 years ago with respect to SBIR and has been raised again this year with respect to SBIR and STTR. It deserves to be put to rest. That issue concerns agency research budgets. I have heard it said that SBIR and STTR are a drain on agency research budgets in a time when those budgets are declining. This is completely untrue. SBIR and STTR do not take a dime out of agency research budgets. Rather, they direct each agency to spend a small percentage of its R&D budget with certain performers of R&D—namely small companies.

But the evidence is very clear that this small reallocation of R&D performers does not adversely affect the agencies' research programs. As I have mentioned, in GAO's 1989 study all 11 agencies that participate in SBIR reported that SBIR has had a positive impact on their research programs, and GAO found that the quality of SBIR research compares favorably with that of other agency research. There is every reason to believe that STTR would, likewise, sponsor mission-oriented research of the highest quality.

The SBIR reauthorization process began over a year ago. I wish to recognize the important role of the chairman of our Procurement Subcommittee, IKE SKELTON, in developing the original legislation and guiding it through our committee. I also want to recognize the important role that our ranking minority member, ANDY IRELAND, has played in forcefully advocating a larger role for small business in the Federal R&D effort.

Mr. Speaker, I would like to explain certain provisions of the substitute amendment that were the subject of discussion among the three committees.

Section 4(c) of the substitute amendment directs the agencies to gradually increase the SBIR percentage starting in fiscal year 1994, until it reaches 2.5 percent in fiscal year 1998. The three committees agreed that there should be a quality check in fiscal year 1996, when the program is at the 2 percent level. The concern, expressed most forcefully by the Armed Services Committee, was that the quality of SBIR research might suffer as a result of the program's expansion, and that the expansion should not be fully phased in if it appears that quality is deteriorating. The committees agreed that the test of quality should be readily verifiable, so as not to leave room for an agency to stop the expansion of SBIR arbitrarily. The history of SBIR is replete with examples of agencies opposing the creation of SBIR programs and opposing any increases in the programs.

Thus, the committees agreed on a strict, historical test of quality: In order to stop the expansion of the program at the 2 percent level, the agency must show that "there has been a demonstrable reduction in quality of [SBIR] research [at that agency] since the beginning of FY 1993," and, furthermore, the reduction must be such that "increasing the percentage [beyond the 2 percent level at] that agency would adversely affect the performance of the agency's research programs." The presumption is that the program would expand to the 2.5 percent level absent such a finding by the agency.

The same quality check would apply to the STTR Program, as provided for in section 7(c) of the substitute amendment. The only difference is that if an agency finds a demonstrable reduction in quality, as discussed above, the STTR Program at that agency would sunset at the end of fiscal year 1997.

To provide the agencies with a sound empirical basis for making their quality determinations, the substitute amendment directs the GAO to conduct a study, the results of which would be transmitted to Congress in early 1996, to determine whether there has been such a demonstrable reduction in quality at each agency. Although GAO can devise its own methodology, our committee believes that the project officers at the agencies, who oversee agency research grants and contracts, would be in the best position to determine whether there has been a decrease in quality. The GAO surveyed these project officers in its 1989 study of the quality of SBIR research.

Section 4(a) of the substitute amendment addresses the evaluation criteria that agencies would use in evaluating phase I and phase II SBIR proposals. These criteria should not be interpreted in a way that discriminates against smaller companies, start-up companies, or companies new to the SBIR Program. Specifically, as set forth in the section, agencies should, in evaluating phase II proposals, consider the track record of the proposing company in commercializing previous SBIR research. This was intended to discourage agencies from making awards to multiple-award winners which have not shown successful commercialization of previous SBIR research, and to give a boost to proposals from companies with a strong record in commercialization of SBIR research. This criterion would be neutral with respect to a company with no previous experience in the SBIR Program.

The section also directs the agencies, in evaluating phase II proposals, to consider whether the proposing company can produce any commitments for contributions to second phase funding. Again, this should be interpreted by the agencies in such a way that it does not discriminate against smaller SBIR applicants, which may not have the resources to make a significant phase II contribution.

These caveats regarding the evaluation criteria apply to the STTR evaluation criteria as well, as set forth in section 7(c) of the substitute amendment.

Section 4(h) of the substitute amendment contains two reporting requirements. The first of these, regarding phase I awards made with respect to a solicitation topic which received only one proposal, has been described in the Small Business Committee report on H.R. 4400. The second reporting requirement, regarding multiple-award winners, originated with the Science Committee. It requires agencies to justify phase II awards made to multiple-award winners which are unable to achieve an average rate of commercialization, as determined by the agency. As an example, an agency might justify such an award on the grounds that the SBIR awardee, while achieving a low rate of commercialization, has achieved one big commercial success which offsets the many commercial failures. Or the agency might justify the award on the grounds that the type of research conducted by the SBIR awardee is long term in nature, and that the awardee is continuing its efforts to develop the research into a commercial product.

Section 4(f) of the substitute amendment, also suggested by the Science Committee, requires each multiple-award winner to docu-

ment in its phase II proposals the extent to which it has been able to commercialize previous SBIR research.

Section 2 of the substitute amendment contains the purposes of this reauthorization act. By listing these purposes, we do not in any way intend to supersede the purposes of the original Small Business Innovation Development Act of 1982, which remain part of statutory law. Purposes of the original act, other than those mentioned in this reauthorization act, include using small business to meet Federal R&D needs, and fostering and encouraging particpation by minority and disadvantaged persons in technological innovation.

The Foreign Affairs Committee obtained a sequential referral of H.R. 4400, but did not report out a bill. The Foreign Affairs Committee did make a suggestion, with which I concur, that the exemptions in section 9(e)(1) of the Small Business Act 915 U.S.C. 638(e)(1)) concerning the extramural budget of the Agency for International Development [AID] be interpreted broadly. First, the reference to "amounts obligated solely for general institutional support" of international research centers should be interpreted as referring to amounts obligated for support of international research centers, because AID does not discriminate between general institutional support and other forms of support. Second, the reference to "grants to foreign countries" should be interpreted as referring to obligations where developing countries are the primary intended beneficiaries, because AID on occasion makes loans, as well as grants, and many of its obligations are managed through a U.S. recipient but actually implemented by an institution in a developing country.

Implementation of the STTR program, as set forth in section 7, was delayed until fiscal year 1994 at the suggestion of the Science Committee. The reason was to give the agencies time to resolve issues that may arise in the course of implementing the program. Sections 7 (c) and (d) direct the SBA to issue policy directives, within 6 months of enactment, for the general conduct of STTR programs at the agencies. These provisions also direct the agencies, by October 1, 1993, to develop model STTR agreements, to develop procedures to address conflict of interest and fair access issues, and to develop procedures for assessing commercial merit and feasibility of STTR proposals.

While the agencies bear the primary responsibility for development of model agreements and of procedures to address conflict of interest, fair access, and commercial merit, section 7(c) gives SBA the authority to oversee the agencies' development of such model agreements and such procedures. The reason for this is to ensure a degree of uniformity amount the agencies' model agreements and procedures. Uniformity is important because it minimizes the burden on the STTR applicant. The intent is to avoid a situation where a potential STTR applicant must master a vastly different set of rules and procedures depending on which agency it is applying to.

Section 7(c) also directs SBA to develop a minimum standard for commercial viability that a small business must meet in order to participate in the STTR program. Each company would have to show, in its STTR proposal, that it meets this minimum standard. This provision is not intended to exclude large numbers of companies from participating in the program. It is intended, rather, to ensure that each company which participates in STTR has something—or someone—is at risk if the projects fails, and therefore has a real stake in the commercial success of the project. So, for example, each small company that participates in the program must contain at least one full-time employee in a management position who is not also employed by the research institution. And each small company must demonstrate evidence of a significant source of financing other than the STTR award.

In addition, each small company must demonstrate evidence of a commercialization plan. The company need not submit such a plan with its proposal, but it would need to provide some evidence that it has thought through such issues as market size, potential customers, competitive products, and method of manufacture and marketing.

The definition of "cooperative research and development", contains in section 7(b) of the substitute amendment, is slightly different than the definition contained in the bill as originally reported by the Small Business and Armed Services Committees. In the original bills, cooperative R&D referred to R&D conducted jointly by a small business and an employee of a research institution. In the substitute amendment, cooperative R&D refers to R&D conducted jointly by a small business and a research institution. The reason for this change is to clarify that the small business must contract with the researcher's institution, rather than directly with the individual researcher. This is standard procedure for such collaborations between research institutions and companies. It enables the institutions to oversee the conduct of their researchers, and thereby to prevent systematic conflict of interest problems.

Finally, section 8 of the substitute amendment directs GAO to conduct a study of the STTR program during 1996. As part of that study, GAO would assess the quality of STTR research compared to the quality of other applied research that the Agency funds, and also would compare the amount of commercialization resulting from STTR research with that resulting from other applied research that the Agency funds. Since STTR research is applied in nature, it should be compared with other Agency research that is applied in nature. We intend for GAO to conduct a survey of Agency project officers similar to the survey that GAO conducted as part of its 1989 study of the SBIR program.

□ 1810

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

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

Mr. Speaker, I rise in support of the bill, and yield myself such time as I may consume.

Let me quickly, but warmly, thank our colleagues Mr. LAFALCE, Mr. SKELTON and Mr. HANCOCK, along with their staffs, for working with such intelligence, dedication, and enthusiasm on behalf of the Small Business Innovation and Research Program.

My thanks, as well, to the House Committees on Armed Services and on Science, Space and Technology for their willingness to forge a compromise we can all live with.

Mr. Speaker, as you know, 10 years ago, Congress came up with a simple, straightforward, and practical idea to help bring technological innovations to the marketplace while meeting the program needs of Federal agencies at the same time. In short, Congress directed agencies with large, extramural research and development budgets to dedicate a small percentage of those funds to small, innovative enterprises with new ideas or products the agencies needed and which promised to be commercially feasible.

Over these last 10 years, the Government Accounting Office, the Small Business Administration, and the Small Business Committee took the SBIR program, poked it, dissected it, slid it under a microscope—and found that the Federal Government had actually created a program that truly worked.

No scandals were uncovered about misappropriated funds, about taxpayers' dollars going for yachts or dinners or fancy houses rather than research and development.

Money was not thrown at silly, unworkable ideas dreamed up by mad scientists in their laboratories.

And agencies were not flooded with crackpot products that sat on shelves gathering dust.

Indeed all of us who have scrutinized the program inside, outside, right side up, and upside down, can only speak of SBIR in glowing terms—and our high praise extends to the small enterprises that made SBIR such a success.

SBIR has invested our tax dollars in high-quality, dramatically innovative ideas and products that have improved our quality of life here at home and our ability to compete abroad—and helped create jobs to boot.

I wish we could say the same about all our research and development dollars.

But rather than singing the praises of SBIR until we're all dewy-eyed, let me run through some numbers to help put the SBIR program in perspective and, in the process, help you understand that the trivial increase we are asking for in H.R. 4400 is reasonable and justified.

And let me quickly remind our colleagues that we are not talking about increased spending at all. We are talking about redirecting a small percentage of the available funds to their best possible use for the taxpayers.

Mr. Speaker, in fiscal year 1992, based on estimates from the Office of Technology Assessment, we expect the Federal Government to spend about $75 billion for research and development over all.

Of that amount, $38 billion will go to agencies for extramural research and

development. That is the pot that funds SBIR, university R&D, the 39 Federal research labs, and so on.

From our $38 billion universe, some $15 billion—40 percent of all available funds—will go to colleges and universities. By contrast, under current law, only $460 million, or only 1.25 percent, go to our Nation's 20 million small enterprises.

Let me repeat those numbers: $15 billion go to universities, but only $460 million go to small enterprises—businesses which, by the way, account for over 50 percent of our country's patents.

The compromise version of H.R. 4400 recommends that we nudge the percentage dedicated for small enterprises up a bit, from the current 1.25 percent to 2.5 percent over the next 5 years. Using today's numbers, the increase would place small enterprises' share of the extramural pot at about $950 million. That's only 6 percent of the amount universities receive.

And we should note that the $490 million increase does not have to come from the universities' share.

Still, Mr. Speaker, I would imagine that just about all our colleagues have a university or college in or near their districts, and that our colleagues may be somewhat sensitive to their reaction. So let me offer more numbers and a bit more perspective.

There are 3,500 colleges and universities in the United States. However, 84 percent of the extramural funds go to only 100 universities. In other words, fully $13 billion of the $15 billion going to universities end up at just 100 institutions.

In fact, the top 10 university money winners garner about $2.2 billion annually—well over twice the amount we're asking to have set aside for 20 million small businesses—or at least the 3,000–4,000 small firms that participate in SBIR.

So there are a few points here. First, 3,400 colleges and universities see little or none of the extramural Federal research funds. Second, our increase asks that 3,000–4,000 SBIR businesses vie for less than half the amount of funding that goes to only 10 of our Nation's universities.

I do not think that is an unreasonable recommendation, and frankly I am embarrassed by how paltry the share for small enterprises is by comparison.

Now Mr. Speaker, I do not begrudge the universities their research and development funds, and I congratulate them on the many wonderful new technologies—some of them life-saving—that their work has brought to our country and the world.

Still, the SBIR program has proven itself to be a tremendous success. We have examined it vigorously and found nothing wanting: No scandals; no blemishes; no embarrassments. H.R. 4400 seeks to keep this success alive.

Mr. Speaker, let me note that compromises have been made to accommodate the concerns of everyone involved. Personally, I think the bill should have come to the floor with the modest 3 percent set aside that the Small Business Committee unanimously recommended. The compromise version recommends 2.5 percent.

Then, too, if Congress is going to demand that the SBIR program be tested, yet again, for the quality of its products, then why do not we test all the Government's extramural R&D programs as well?

I think the recent embarrassments surrounding the Federal research labs and university R&D programs recommend such an effort, but the bill fails to do this. And I have to wonder why the taxpayers must blindly hand over more money each year to the same people who have defrauded the Government of tens of millions of dollars when there are other capable institutions out there?

Finally, to my mind the restrictions on multiple SBIR award winners contained in the compromise are much too stringent and may prove counterproductive to the goals and purposes of SBIR.

Still, by definition, a compromise means that no one is completely satisfied with the final product. Rather, the test of a compromise rests in whether the good outweighs the bad.

Mr. Speaker, I can confidently say that what is good about H.R. 4400 far exceeds what is bad, and so I enthusiastically urge our colleagues to support the bill.

It is time for Congress to unleash the potential that SBIR offers, remembering that our Nation's small businesses create more new jobs and more new innovations than any other segment of our economy. Unlike other research expenditures, we know what the taxpayers will get for their investment in SBIR firms: New, innovative products that work for the Government and work for the marketplace.

Again, Mr. Speaker, I urge passage of H.R. 4400.

□ 1820

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. SKELTON], the chairman of the Subcommittee on Procurement, Tourism, and Rural Development, of the Committee on Small Business.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New York [Mr. LAFALCE], the chairman of our full committee, for yielding me this time.

This is really a tribute, Mr. Speaker, to him because he is the one who initially began this whole Small Business Innovative Research Program some 10 years ago. My hat is off to him and I compliment him on a successful program that has been put together by the Congress of the United States, one that actually works and works well. So this is a real tribute to him and to the ranking minority member, the gentleman form Florida [Mr. IRELAND]. No one could have been a greater supporter through this than the gentleman and my subcommittee ranking minority member, the gentleman from Missouri [Mr. HANCOCK]. My Sincere thanks to him for bringing this bill together.

I also want to thank the members of my subcommittee, particularly GLENN POSHARD, who worked so hard on the STTR portion of our bill. My thanks also go the members and staff of the Armed Services Committee and the Science and Technology Committee for the long hours and hard work they put in on the consensus bill we have before us today. I think we have preserved the best parts of H.R. 4400 while adding some useful provisions.

The current SBIR Program—success of the basic structure:

How the SBIR Program Works: Under the SBIR program, each of the 11 Federal agencies with extramural R&D budgets in excess of $100 million per year is required to earmark at least 1.25 percent of that budget to fund research projects as small businesses. The purpose is to use small, innovative businesses to meet the Federal agencies' R&D needs, and thereby stimulate the development of new commercial technologies and innovations to benefit the economy.

Effectiveness of SBIR: During its 10 years of existence, the SBIR program has established itself as one of the most effective technology programs in the Federal Government:

A 1992 report of the National Academy of Sciences recommended an increase in the size of the program, describing SBIR as "an important program that supports civilian technology development."

A 1989 GAO study found that the quality of SBIR research was at least comparable to the quality of other agency-funded research, and was in some cases better. The study also found that SBIR research was significantly more likely to lead to innovation than non-SBIR research.

All 11 agencies which participate in the SBIR program, report that it has had a favorable impact on their research programs.

A 1992 study by GAO found that the SBIR program has been strikingly successful in stimulating the development of new commercial products. The study found that SBIR awards over 1984–1987 generated more than $1 billion in new commercial activity, and are expected to generate more than $2 billion in additional commercial activity by the end of 1993.

A House Armed Services Committee panel on the defense industrial base (the McCurdy panel) recently called for a doubling of the size of the Defense

Department's SBIR program, as did the Senate Republican Task Force on the Adjustment of the Defense Base.

Typical of the views of the Federal agencies is this comment from a report of the Secretary of Health and Human Services:

* * * SBIR has succeeded in filling a variety of scientific gaps in the Public Health Service's research programs. * * * More than any other single feature, the SBIR program has clearly accelerated the translation of research findings into useful and marketable products. SBIR awardees have sought innovative means of exploiting fundamental knowledge and technology to develop products that are not only cleverly designed but meet a market need.

After all of the reports and oversight of the program, no waste, fraud, or abuse has been found. None.

The SBIR bill adopted by the Small Business Committee as amended by the Armed Services Committee and the Science and Technology Committee:

General explanation: H.R. 4400, as reported by the Small Business Committee, the Armed Services Committee and the Science and Technology Committee, changes existing law in four ways:

First, H.R. 4400 would reauthorize and expand the SBIR program. It would reauthorize the program for 7 more years, until October 1, 2000. It would gradually increase the set-aside percentage starting in fiscal year 1994, from the current 1.25 percent to 2.5 percent in fiscal year 1997—an expansion over 5 years! To insure that the program does not outgrow its small business base, the GAO and each participating agency head will conduct a study after 3 years and the program will be capped at 2 percent if at that point the program is having growth problems.

Second, H.R. 4400 would increase the program's emphasis on commercialization of SBIR research done for the Federal Government.

Third, H.R. 4400 would enhance the protections for participating small businesses in the following areas: Data rights, timely payment of award money, use of equipment, and subsequent agency work resulting from an SBIR project.

Fourth, H.R. 4400 would create a Small Business Technology Transfer [STTR] program. STTR, a separate but parallel program to SBIR, would use small, innovative companies to commercialize research at universities, Federal laboratories, and nonprofit research institutions through joint ventures. Again, since this is a new program, a study will be done in 3 years and if the program cannot sustain itself, STTR will sunset.

The increased level of SBIR is warranted:

Amendment reducing SBIR level from 3 percent to 2 percent—The Small Business Committee maintains (with the concurrence of the other Committees) that the success of the program has earned it the right to a higher percentage.

In 1982, the original SBIR proposal set the award level at 3 percent of extramural R&D budgets. Some jointly referred Committees expressed concern about devoting the full portion to an untried program, referring to test the concept at a much more limited level and withholding complete support until SBIR proved itself. The level of 1.25 percent was finally agreed to and some types and categories of research were excluded. (In particular the areas of intelligence, nuclear, and applied research.)

As explained above, the SBIR program has been thoroughly studied and has now proved itself successful beyond anyone's expectations. Indeed, other nations have studied the program and copied it. The commercialization program has garnered praise for its effectiveness and its unique ability to deliver innovative ideas to the marketplace by leveraging federal technology using private sector investment and techniques. Based on GAO research, fully 27 percent of SBIR Phase II winners commercialize their research.

When compared to other private research purchases by the Federal Government, the SBIR share is truly modest. According to estimates by the Office of Technology Assessment, the Federal Government can expect to spend $75 billion for R&D in fiscal year 1992. Of that, $38 billion will be spent for extramural R&D—the pot that pays for university research, SBIR, and so forth.—Of that $38 billion, 3,500 of the Nation's colleges and universities will receive $15 billion, with 84 percent, or $13 billion, going to the top 100 institutions. SBIR firms will receive about $460 million, or about 3.5 percent of the amount universities receive.

At the 2.5 percent level recommended by the committees, SBIR firms will be awarded just under $1 billion, after 5 phasein years, or about 6 percent of what all universities get and only half of what the Nation's top 10 university winners receive. When you consider, as agency project officers have, that SBIR participants are twice as likely to commercialize their innovations, it becomes clear that this small investment will pay for itself in jobs, growth, and increased tax revenue.

The Small Business Committee argued that, having proven itself worthy, the SBIR program had earned its wings and deserved the opportunity to be restored to the level originally proposed, 3 percent with all extramural budgets restored. The Armed Services Committee and the Science Technology Committee have reached a compromise which doubles the program—2.5 percent—over 5 years. This would include new categories such as nuclear energy and applied research. To allay their concerns about the adequacy of the small business base to support such growth, we have agreed to a review of the program once we reach the 2 percent level. At this point, each agency head will make a determination about the impact of the program's growth on the quality of research. We believe that the administrators—and the GAO which will be performing a companion study—will find small business fully able to meet the Government's research needs.

STTR is needed.

Purpose of STTR: SBIR has been remarkably successful at cultivating commercially promising ideas within the small business community. STTR, by contrast, is designed to exploit a vast new reservoir of commercially promising ideas in universities, Federal laboratories, and nonprofit research institutions, using an approach parallel to that of SBIR. STTR would foster the kind of small business, high-tech economic development now seen along Route 128 in Massachusetts, in the Silicon Valley in California, and around research institutions throughout the country. At the same time, STTR would—like SBIR—sponsor top-quality research that meets the Government's R&D needs.

How STTR would work: Under STTR, each Federal agency whose total R&D budget exceeds $1 billion per year would earmark a modest 0.25 percent of that budget to fund cooperative research projects involving a small company and a researcher from a university, Federal laboratory, or nonprofit research institution. Each STTR research project would thus combine the two elements that are essential for successful innovation—the scientific and technical expertise of the researcher, and the commercialization expertise of the small company. As under SBIR, each research project would support the mission of the sponsoring agency.

STTR addresses key problem in U.S. competitiveness: One major roadblock is our inability to translate our leadership in research into economic advantage. As the MIT Commission on Industrial Productivity has written:

* * * the nation's technological strength depends on far more than the health of its research laboratories, important as that is. Prowess in research does not lead automatically to commercial success. * * * The United States is still unarguably the leader in basic research. The scale of its scientific enterprise is unequaled, and it is second to none in making new discoveries. Yet U.S. companies increasingly find themselves lagging behind their foreign rivals in the commercial exploitation of inventions and discoveries.

Technology transfer mechanism needed: What is needed is an effective, systematic "technology transfer" mechanism to move new knowledge from the research institution to industry, where it can be used for the nation's economic benefit. STTR would provide that mechanism. As John Pres-

ton, Director of Technology Licensing at MIT and Lincoln Laboratories, has testified:

The STTR proposal would supply funding at the most critical point in technology commercialization—before investors are willing to make risk investments, and after Government research funding sources consider the project too commercial to fund. Much of our technology has languished in this gap only to be recognized by foreign competitors and developed abroad. There is no question in my mind that the STTR program would strengthen U.S. competitiveness."

H.R. 4400 provides necessary safeguards to small businesses.

H.R. 4400 clarifies that the phase I and phase II awards process satisfies the Competition in Contracting Act for the award of a phase III contract by an agency and specifically authorizes the agency to make such award based on the competition.

Requires agency to experiment with broad topics which small R&D businesses participate in writing and refining.

Requires agencies to make final payment in lieu of audit within 12 months after completion of their research or research and development.

Extends small businesses rights in the data they have developed from 2 years to 4 years.

Permits small business participants to continue to use property they have developed for 2 years as long as they are actively pursuing phase III commercialization.

Requires agencies to use awardees to the extent practicable if the agency chooses to go further with the project or production.

Increases the phase I award ceiling from $50,000 to $75,000.

Requires the reporting to SBA of any single proposal awards.

Requires the GAO to report on the following:

Progress of the increase in the program and ability of the small business high technology community to provide top quality research in view of the growth.

Progress in implementing commercialization.

Amount of sole source awards.

Random audits of the base budget.

Addresses multi-winner commercialization.

The GAO report indicated that Congress should continue to observe multi-winners those who win five SBIR awards or more. Their level of commercialization appeared to be low when compared to participants who have won fewer awards. While we accepted a compromise on this point in order to permit the process of the bill, I want to point out that we on the Small Business Committee believed that we had addressed the issue. Indeed, as testimony at our hearings made clear, some multi-winners who have not commercialized up to the so-called average are doing complex, long-term projects that will have real value for our Nation.

We included in our report, for example, a diagram from Foster Miller, one of our largest SBIR winners, showing the fascinating, yet unbelievably complex network of projects they are doing in just one area—liquid crystal polymers. They also demonstrated, for example, that only 18 percent of their income comes from SBIR and that they themselves produce many of the products that are the products of their research.

While we have accepted the Science and Technology Committee's amendment, which requires an agency to justify making awards to multi-winners who have commercialized below the industry average, I would simply warn that we would not want to close out the Foster Millers' or others who have the wherewithal and the talent to tackle super-complex research tasks.

In conclusion, Mr. Speaker, I would point out that the SBIR program is neither a giveaway nor a set-aside. I believe that there is ample proof in the record that these businesses have provided first class, top quality research that benefits the agency and benefits the taxpayer by providing jobs, exports, and a higher standard for research. I can only hope that all agencies will do as some agencies have done and increase this program on their own above the floor level we seek to set today. This is not a set-aside for small businesses—it is instead a gold mine for our country. Our Nation should be using programs like SBIR to lead the way into the 21st century.

Mr. IRELAND. Mr. Speaker, I have no further requests for time, and I yield the balance of my time to the committee chairman, the gentleman from New York [Mr. LAFALCE], who I know has a couple of speakers.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman very much for his generosity.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MAVROULES], the previous chairman of the Subcommittee on Procurement, Tourism, and Rural Development, of the Committee on Small Business, who handled the last reauthorization of the SBIR Program a number of years ago.

Mr. MAVROULES. Mr. Speaker, first I want to thank the gentleman for yielding me this time.

I would also like to thank the chairman for the very kind expressions given to a number of us here this evening, but the fact is that he has been the real driving force behind the SBIR Program, and I want to commend the gentleman from New York [Mr. LAFALCE].

Mr. Speaker, today, we are considering a proposal to reauthorize the Small Business Innovation Research [SBIR] Program—a program that has proved to be one of our most successful small business programs. It has provided opportunities for small high tech companies to strut their stuff in a very competitive arena before Federal agencies. And it has provided Federal agencies an opportunity to take advantage of new ideas to fulfill their missions.

I am proud of the strong showing among small high tech companies in my home State. Massachusetts currently ranks second in this highly competitive program. For example, OPTRA, Inc. of Beverly MA has successfully marketed several products developed as a result of SBIR assistance. The company specializes in the use of laser technology for optical metrology. Another firm, Foster-Miller of Waltham, developed a metallic Velcro which has been picked up by NASA for an astronaut-friendly space fastener; the company also has provided Velcro Armor to the Marines for their light armored vehicles. And optical sensing systems, developed by Geo-Centers of Newton Centre, are being successfully sold to both government and private industry.

There is no doubt in my mind that small high tech firms represent one of our Nation's most valuable innovative resources.

The SBIR program is now 10 years old—and based on its track record I think it is time we expand this successful initiative.

The bill before us today, H.R. 4400, will do just that. The percentage of R&D funds that agencies must set-aside for SBIR would be doubled from its current level of 1.25 percent to 2.5 percent. In addition, the statutory exclusion of some defense R&D money would be lifted—this includes the atomic energy research done by DOE, except for nuclear weapons and naval reactors, and operational research, the so-called 6.6 funds. Put together, these changes mean that H.R. 4400 would almost triple the size of the program by 1998.

In fact, what we do today will mirror action taken by the House earlier this year in the defense authorization bill. A provision in the reinvestment section of the House-passed bill also reauthorizes and expands the SBIR program, along lines similar, though not identical, to H.R. 4400.

I would like to take a moment to address the issue of the quality of the SBIR awards. According to a 1989 report by the General Accounting Office, SBIR projects have been equal or of higher quality than other agency research.

But I have heard a number of people express concern that by tripling the program we may lower the quality standard for SBIR projects and end up funding mediocre proposals. To address this, the Armed Services Committee, in its consideration of H.R. 4400, required an assessment of the quality of the proposals being received. This report would be done in 1996 by the head of the agency, when the program

reaches the 2-percent level. Looking at the SBIR projects funded since 1993, the agency head would determine whether there has been a demonstrable reduction in the quality of those proposals, and whether that reduction would adversely affect the performance of the agency's research programs. Under this requirement, agency heads are given wide latitude to determine the specific standards for evaluation of the SBIR Program; their assessment could include such factors as cost-effectiveness and a comparison between non-SBIR and SBIR proposals. If the report is positive, then a high quality SBIR Program would move forward automatically to 2.5 percent. If an agency is funding a program of low quality at 2 percent, then a negative determination presumably would be made.

We have asked, also, for the GAO to do an independent assessment. This report should be ready in time for the results to be used in the agency review.

A similar report would also be required for the Small Business Technology Transfer Program.

A notable addition to this bill is the creation of the Small Business Technology Transfer Program [STTR] program. This would create a separate program aimed at allowing small businesses to team with universities and Federal labs to capitalize on technology developed at these institutions. Such ventures will help bring new and innovative ideas to the commercial marketplace. In the Commonwealth of Massachusetts, I can assure you, small businesses already have a successful relationship with universities and Federal labs. Further opening the doors between these two groups will help make the United States more competitive abroad.

Small businesses, our Nation's most innovative sector, have a key role to play in defense diversification—a concept I have pushed for over a decade. H.R. 4400 will provide additional tools to these firms to carry out that role.

I urge my colleagues to vote yes to H.R. 4400, as amended.

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Mr. LAFALCE. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. POSHARD], the author of the STTR Program and its chief promoter, both in our committee and in other committees, without whose efforts it would not become the law of the land as it is going to be.

Mr. POSHARD. I thank the gentleman for yielding this time to me.

Mr. Speaker, I also rise in support of H.R. 4400. I strongly endorse the reauthorization and expansion of the SBIR program. But I wish to direct my remarks primarily to section 7 of the bill, which would establish a new Small Business Technology Transfer Program [STTR]. With the support and assistance of Chairman LAFALCE, I offered the amendment to create STTR in the Small Business Committee, to express my gratitude to him, as well as to my Subcommittee Chairman IKE SKELTON, and I appreciate the leadership of Chairman LAFALCE and minority spokesman Mr. IRELAND and colleagues NICK MAVROULES, TIM VALENTINE, and MARILYN LLOYD for their crucial support of this initiative as it worked its way through three committees. In the end, all three committees endorsed the proposal.

Our universities employ some of the brightest scientists and engineers in the country, who are engaged in research projects that, in many cases, could potentially lead to the development of new commercial products to benefit the economy. But the way that research funding works in this country, there is no efficient mechanism enabling these scientists and engineers to pursue commercial applications of their research. Regular research grants generally do not fund commercially oriented research, and these researchers cannot participate in the SBIR program in a significant way as long as they remain primarily employed at the university.

And so, many potential commercial applications languish in the research laboratory and never see the light of day. That is true at universities in my State, and it is true at research institutions across the United States, from the research triangle in North Carolina, to the national laboratories in Tennessee and New Mexico, to the great research universities of California. This is a potentially major resource for economic development that is being vastly underutilized. The size of the resource is breathtaking.

Together, universities, Federal laboratories, and nonprofit research institutions perform more than $40 billion in R&D each year, or one-quarter of all R&D done in the United States in the public and private sectors combined, and these institutions employ one in every four scientists and engineers in the country. If we can devise a systematic vehicle for moving commercially promising ideas from these institutions to the marketplace, we could spark a revolution in economic development in this Nation.

I believe that the proposed STTR program could be the vehicle for moving ideas from those federal labs, universities, and nonprofit institutions to the market. STTR would use an approach that parallels that of the successful SBIR program.

Under STTR, each of the six Federal agencies whose total R&D budget exceeds $1 billion per year would earmark a small percentage of that budget to fund cooperative R&D projects involving a small company and a researcher at a university, Federal laboratory, or nonprofit research institution. Each STTR project would thus join the two elements that are essential for successful innovation—the scientific and technical expertise of the researcher, and the commercialization expertise of the small company. The STTR percentage would start at five one-hundredths of 1 percent in fiscal year 1994, which amounts to about $30 million, and would rise to one-fourth of 1 percent by fiscal year 1998. As under SBIR, the research project would have to support the mission of the sponsoring agency.

Whereas SBIR exploits commercially promising ideas that originate in the small business community, STTR would use the talents of small, innovative companies to exploit a vast new reservoir of commercially promising ideas that originate in universities, Federal laboratories, and nonprofit research institutions. Thus STTR, I believe, could create the kind of small business, high-technology economic development now seen along route 128 in Massachusetts and in Silicon Valley in California, around research institutions across the United States.

STTR would also address a key issue in U.S. economic competitiveness. This country's enormous investment of resources in its research institutions has brought the United States to undisputed world leadership in basic research and many areas of applied research. But perhaps the core of the American competitiveness problem lies in our ability to translate that leadership into technology and commercial applications which benefit the economy. The MIT Commission on Industrial Productivity expresses the consensus view when it states that:

> . . . the nation's technological strength depends on far more than the health of its research laboratories, important as that is, prowess in research does not lead automatically to commercial success. . . . The United States is still unarguably the leader in basic research.
>
> The scale of its scientific enterprise is unequaled, and it is second to none in making new discoveries. Yet U.S. companies increasingly find themselves lagging behind their foreign rivals in the commercial exploitation of inventions and discoveries.

What is needed is an effective, systematic technology transfer mechanism to move new knowledge from the research institution to industry, where it can be exploited for the nation's economic benefit.

I come from a largely rural area of downstate Illinois. Like many parts of this country, we are losing our manufacturing base, and while we have a lot of dedicated and hard working people, economic development and new job creation is a mighty challenge. But what we do have in Illinois, Mr. Speaker, is a system of public and private universities and colleges, which I believe could hold the key to economic development in the region. The same is true for states across this country, and particularly the rural regions of those States.

STTR would provide that mechanism. As John Preston, director of technology licensing at MIT and Lincoln Laboratories, stated in testimony before the Small Business Committee:

The STTR proposal would supply funding at the most critical point in technology commercialization—before investors are willing to make risk investments, and after Government research funding sources consider the project too commercial to fund. Much of our technology has languished in this gap only to be recognized by foreign competitors and developed abroad. There is no question in my mind that the STTR program would strengthen U.S. competitiveness.

Mr. Speaker, I believe that STTR will be a landmark in the economic development of this nation. I thank my colleagues for their support, and urge its adoption.

I would like to enter into the RECORD further testimony clarifying some questions which may come up in further debate.

Mr. Speaker, I would like to address a number of specific questions that have arisen regarding the proposed STTR Program.

What is the purpose of the STTR program?

STTR would be a vehicle for converting the Nation's $40 billion per year investment in research at universities, Federal laboratories, and nonprofit research institutions into new commercial technologies, in order to advance U.S. economic competitiveness and high-tech economic development. To move ideas from the research institution to the market, STTR would draw upon the talents of small, innovative companies, and use an approach parallel to that of the successful SBIR Program.

How would STTR complement the existing SBIR Program?

SBIR exploits commercially promising ideas which originate in the small business community, and university involvement in SBIR projects, while common, tends to be in a minor consulting or subcontracting role. STTR would use small companies to exploit a vast new reservoir of commercially promising ideas which originate in universities, Federal laboratories, and nonprofit research institutions.

While the two programs would be separate and distinct, they would both harness the ability of small businesses to innovate and commercialize research.

Why does STTR fund cooperative R&D between small companies and research institutions? Is that the best way to move ideas from the institution to the marketplace?

A large body of evidence indicates that university collaboration with small companies in R&D has a potent effect on innovation—more potent than company R&D performed solely in a company laboratory. That has been established in systematic studies of emerging industries like biotechnology as well as more established manufacturing industries, and is evident in the examples of Route 128 and Silicon Valley.

Since such collaboration is so important, it makes sense to create a separate pot of money [STTR] which can only be accessed through such collaborations. That creates a strong incentive for researchers and small companies to find each other and work together, because the only way they can access STTR funding is by working together. The program also gives the research institutions themselves a strong incentive to facilitate R&D collaborations between their researchers and small companies, because only through such collaborations can the institutions and their researchers access STTR funding and patent royalties.

Why does STTR target small companies as the vehicle for moving ideas from the research institution to the marketplace?

According to the evidence, small companies are best suited for the job. Recent studies show that, on average, small companies contribute 2.5 times as many innovations per employees as large companies, and also contribute a disproportionately large share of the most significant innovations. As discussed earlier, other studies show that university collaboration with industry—and particularly with small companies—has a potent effect on innovation.

Wouldn't STTR drain agency research budgets at a time when those budgets are declining?

No. STTR, like SBIR, does not take a dime out of agency research budgets. Rather, it directs each agency to spend a small percentage of its R&D budget with certain performers of R&D—namely small companies working cooperatively with research institutions. If the record of SBIR is any indication, that small reallocation of R&D performers will not adversely affect the agencies' research programs. The record is very clear on this with respect to SBIR—all 11 agencies that participate in that program report that it has had a positive impact on their research programs, and GAO found that the quality of SBIR research compares favorably with that of other agency research. There is every reason to believe that STTR would, likewise, sponsor mission-oriented research of the highest quality.

What effect would STTR have on basic research?

I believe that basic research in this country would be an important beneficiary of the STTR Program, because public support for funding of basic research depends ultimately on whether the public can see tangible evidence of a payoff to the economy and to the quality of life.

The Federal Technology Transfer Act of 1986 established procedures for cooperative R&D involving Federal laboratories. How would STTR dovetail with the 1986 act?

STTR would build upon the framework established in the Federal Technology Transfer Act. That act set up the basic statutory and regulatory structure on which STTR is built. It set up the Cooperative Research and Development Agreement [CRDA] mechanism at the Federal laboratories. It enabled Federal laboratory researchers to benefit financially from their patented inventions. And it directed the agencies to develop the conflict of interest regulations that govern cooperative R&D. STTR would operate within this existing statutory and regulatory structure and would not change it.

By almost all accounts, we are only beginning to tap the vast potential of our Nation's Federal laboratories and universities, despite more than 10 years of technology transfer legislation. What STTR would do is to dramatically accelerate the process—dramatically increase collaborations between researchers and companies—because it would add to the existing statutory and regulatory structure a very powerful incentive: Money. STTR would, for the first time, establish a pot of money which can only be accessed by research institutions working collaboratively with small companies. Research institutions which sit on their hands and don't get into the technology transfer business will not get any of the STTR money. But research institutions which are good at linking their researchers with small companies will get a share of the STTR money, and will also get a share of the resulting patent royalties. And so, STTR would create a healthy competition among research institutions for technology transfer funding, and that competition could do dramatic things for economic development in this country.

How important would the Federal laboratories be in this program?

The Federal laboratories perform over $20 billion in R&D each year, or 14 percent of all R&D done in this country in both the public and private sectors. They are, by most accounts, an enormous—and largely untapped—reservoir of commercially promising ideas. STTR would provide a systematic mechanism for moving such ideas to the market, without impairing the missions of the laboratories.

Is there precedent for university or Federal laboratory researchers benefiting financially from federally funded research?

The precedent is well-established in existing law. For example, the Federal Technology Transfer Act of 1986 requires the agencies to give Federal laboratory inventors 15 percent of the patent royalties from their inventions, and to develop a cash awards program for such inventors. Similarly, the Bayh-Dole Act of 1980 provides that Federal R&D contractors which are small businesses, universities, or nonprofits retain the patent rights to inventions resulting from their R&D contract. The purpose of both of these laws was to give performers of Federal R&D the financial incentive to commercialize their research, because of the tremendous benefit that innovation represents for the economy.

It is important to remember that, as under SBIR, all research funded under STTR must support the mission of the sponsoring agency—it must respond to an agency R&D need or interest as set forth in the agency's STTR solicitation. Thus, although a particular STTR research project may result in a financial benefit to the researcher, the project will also meet an R&D need or interest of the Federal Government.

Does the STTR legislation contain any safeguards to prevent conflict of interest problems that may arise when researchers collaborate with industry?

Yes, the legislation gives the agencies 1 year to develop procedures to address such issues of conflict of interest in accord with existing law. To a large extent, these conflict of interest issues have been addressed in previous legislation, such as the Federal Technology Transfer Act of 1986, and in existing agency rules. STTR does not conflict with any existing conflict of interest statutes.

In addition, the STTR legislation provides that, in STTR projects, the small business

would contract with the research institution itself, rather than with the individual researcher who will be involved in the collaboration. This will give such institutions the ability to ovesee the conduct of their researchers and to prevent systematic conflict of interest problems.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. I thank the gentleman for yielding.

Mr. Speaker, in listening to this debate while waiting for our bill to come up, and having served for a dozen years on the Committee on Science, Space, and Technology, I just want to point out how important this endeavor is, how important it is for America to take this wonderful basic and applied research from our magnificent laboratories and universities and get it out into the field, into the economy so that we can employ more workers and make ourselves more competitive. There is no delivery mechanism, I would say, that is more efficient at doing this than the community of small businesses who are highly flexible and mobile and can take ideas quickly into the marketplace and make them into products and processes that create jobs and new markets and help boost our economy.

Mr. HOPKINS. Mr. Speaker, I rise in support of H.R. 4400, as amended to reflect the changes made by the Armed Services Committee in consultation with the Small Business and Science and Technology Committees.

My colleague and chairman, NICK MAVROULES, has done a good job in laying out what is being proposed. I would just add that I remain one of those concerned that the SBIR program may be expanding too far, too fast.

In my view, to triple the size of this program overnight—as was done in the defense conversion package contained in the defense authorization bill—is unrealistic, and imperils the integrity of a successful small business program.

Frankly, I would have been content to expand the program from the current 1.25 percent of R&D dollars to the 2 percent level supported by the Department of Defense. This alone would increase the amount of R&D work available from the Department of Defense to small businesses from $250 million per year to about $576 million.

But, since an increase to 2.5 percent was the consensus position in the House, I am pleased that all parties agreed to build in a firebreak provision to ensure that the quality of this program is not degraded as it grows.

Under our amendment, before the percentage of SBIR awards go beyond 2 percent, a quality check must be done to make sure there are enough quality proposals out there to justify binding DOD and the other agencies to even higher set-aside requirements.

On balance, I believe this is a sound, rational and responsible approach and commend it to my colleagues for support.

Mr. ASPIN. Mr. Speaker, 10 years ago, Congress, with its eye on the future, passed a small but highly significant initiative called the Small Business Innovative Research [SBIR] Program. Today, again looking toward our Nation's future, we are considering a proposal, H.R. 4400, to reauthorize the SBIR Program for an additional 7 years.

SBIR recognizes a couple of critical points: First, technological innovation is an essential component in economic growth and power; and, second, while contributions to innovation by small business are impressive, small high technology companies do not receive a fair share of Federal R&D money.

The intent of the SBIR Program is to strengthen the role of small innovative companies in Federal research and development. And it has done just that—increasing opportunities for small firms even beyond the SBIR Program.

For the Department of Defense, which provides the largest amount of SBIR funds of any of the 11 agencies participating in the program, the amount and percentage of DOD's R&D funds going to small firms increased from $831 million or 6.1 percent in fiscal 1983, when the SBIR Program began, to $1.7 billion or 9 percent in fiscal 1990.

Indeed, the small business community has proven to be a valuable source of technology and innovation to accomplish the defense mission. But beyond that, many technologies developed under DOD SBIR awards have a potential for commercial and other nonmilitary applications, particularly in the health and environmental arenas. For example, the Navy's SBIR Program funded research to develop freeze dried transfusable red blood cells, a product of increasing importance to both DOD and civilian blood banks. A low-cost air purification device that destroys airborne pollutants was also developed under a DOD SBIR award.

Considering such success stories, today's action to reauthorize and expand the SBIR Program is timely and necessary.

H.R. 4400, would increase the current set-aside of Federal agency R&D funds of 1.25 percent to 2.5 percent. H.R. 4400 would also remove some statutory restrictions on the use of certain portions of the defense research budget related to operational research and atomic energy research conducted by the Department of Energy—excluding nuclear weapons activities and naval reactors. By approving H.R. 4400, as amended, we would be adding approximately $81 million to the SBIR Program each year.

I would like to point out to my colleagues that the Armed Services Committee took similar action on its own earlier this year. A provision—sec. 4204—of the reinvestment section of the House-passed fiscal year 1993 defense authorization bill addresses these same SBIR related issues.

In its 10 years, the SBIR Program has been extremely competitive, the awards of the highest quality. This has led some folks to worry that by tripling the program we could lose that high quality, the trademark of the SBIR Program, and end up funding mediocre proposals. That is why the Armed Services Committee, in its consideration of H.R. 4400, required an assessment, to be done by the agency head, of the quality of the proposals being received. This report would be done in 1996, when the program reaches the 2 percent level. The agency head would determine whether there has been a demonstrable reduction in the quality of SBIR proposals funded since 1993, and determine whether that reduction would adversely affect the performance of the agency's research programs. Agency heads would be given wide latitude to determine the specific standards for evaluation of the SBIR Program; presumably, such an assessment would include cost effectiveness and a comparison of non-SBIR and SBIR proposals. If the report is positive, then then amount of funding for SBIR would automatically move up to 2.5 percent; if not, the agency's funding would remain at the 2 percent level—it would not, however, return to 1.25 precent.

The General Accounting Office, in addition, would conduct its own independent assessment, which would be ready before the agency heads begin their review—this will allow the results of the GAO study to be used in the agency review.

I think this reporting requirement is important for maintaining the integrity of the SBIR Program.

A similar report would also be required for the Small Business Technology Transfer [STTR] Program, a separate program also established under H.R. 4400 which would fund research between small businesses, universities, and Federal labs.

Time and time again, we've heard that small businesses are more innovative than large firms. The SBIR Program recognizes that. By reauthorizing and expanding the program today, we are continuing a valuable source of technology that will carry us into the start of the 21st century.

Therefore, I urge my colleagues to vote yes on H.R. 4400 as amended.

Mrs. LLOYD. Mr. Speaker, I rise today in the strongest support for H.R. 4400, a bill to reauthorize The Small Business Technology Transfer Program.

Mr. Speaker, I have a long record of support for the small businesses of this country. Their contributions to the economic stability of our country are immeasurable. The reauthorization of the Small Business Innovative Research [SBIR] Program in front of us, represents a needed improvement in an already well received and highly successful program. I am pleased that this body has been afforded to reauthorize this important legislation.

This bill could not come up for reauthorization at a more appropriate time. As we continue our efforts to shake off this recession, our small businesses continue to suffer. Under the SBIR program, thousands of businesses nationwide have played a crucial role in the development and commercialization of critical technologies and innovations that represent the future for United States industry. At the same time, these small businesses have contributed to the job base. Continuing the incentive for small businesses to work with the government to proliferate breakthroughs in all areas of industry, is unarguably, sound economic policy making.

Included within H.R. 4400 is a new program called The Small Business Technology Transfer [STTR] Program. STTR is an innovative program designed to tap into new areas of research expertise in our National laboratories and universities. Both institutions have strong records of accomplishments in diverse fields

of research—in areas from medicine and disease to nuclear weapons and space technologies. The STTR program allows individuals with bright ideas in our universities and National labs to explore the possibilities of commercializing their important research efforts. Because of certain regulations, this powerful research force has been excluded from participation in the SBIR program.

STTR, modeled after the highly regarded and productive SBIR program, would put the necessary mechanisms in place to allow National lab employees and university scientists to share with the commercial sector, many of the research breakthroughs they have made. These collaborations with industry would be partially funded by the appropriate government agency in a process similar to the SBIR program.

I have long regarded technology transfer as critical to the future of a robust economic base, long before it became a buzzword. In fact it was in this committee that my Technology And Competitiveness Act, which is now law, originated. My colleagues, I know I do not have to go on about the benefits from technology transfer. But let me say that STTR affords the government another important opportunity to capitalize on the advances of the research society.

Mr. Speaker, as a Member who has a National lab in their district, and the very distinguished University of Tennessee in Chattanooga. I know first hand about the quality of research out there and of its important applications in the commercial sector. If we are serious about improving and diversifying our national economic base, we should move ahead with STTR.

I urge my colleagues to support both the reauthorization of SBIR and the creation of STTR. Vote yes on H.R. 4400.

Mr. IRELAND. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New York (Mr. LAFALCE) that the House suspend the rules and pass the bill, H.R. 4400, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMTRAK CAPITAL ACQUISITION AND TECHNOLOGY DEVELOPMENT ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4250) to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4250

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 "Amtrak Capital Acquisition and Technology Development Act".

SEC. 2. SAFETY IMPROVEMENTS.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end the following new section:

"SEC. 811. RAIL AT-GRADE CROSSINGS.

"(a) ELIMINATION.—The Secretary, in consultation with the States along the main line of the Northeast Corridor, shall develop a plan for the elimination of all highway at-grade crossings of such main line by December 31, 1997.

"(b) EXCEPTIONS.—The Plan developed under subsection (a) may provide that the elimination of a highway at-grade crossing not be required if eliminating such crossing is impracticable or unnecessary and the use of the crossing will be consistent with such conditions as the Secretary considers appropriate to ensure safety.

"(c) FUNDING.—The Corporation shall pay 20 percent of the cost of the elimination of each highway at-grade crossing pursuant to the Plan.".

SEC. 3. EXPERIMENTATION WITH NEW TECHNOLOGIES.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end the following new section:

"SEC. 812. EXPERIMENTATION WITH NEW TECHNOLOGIES.

"(a) PLAN.—The Corporation shall develop a plan for the demonstration of new technologies in rail passenger equipment. Such plan shall provide that any new equipment procured by the Corporation that may significantly increase train speeds over existing rail facilities shall be demonstrated, to the extent practicable, throughout the national intercity rail passenger system.

"(b) REPORT TO CONGRESS.—The Corporation shall, not later than September 30, 1993, submit to the Congress a report summarizing the plan developed under subsection (a), including its goals, locations for technology demonstration, and a schedule for implementation of the plan.".

SEC. 4. NORTHEAST CORRIDOR PROGRAM MASTER PLAN.

(a) AMENDMENT.—Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.) is amended by adding at the end the following new section:

"SEC. 708. PROGRAM MASTER PLAN.

"Within 1 year after the date of enactment of the Amtrak Capital Acquisition and Technology Development Act, the Secretary, in consultation with the Corporation and the commuter and freight railroads operating over the Northeast Corridor main line between Boston, Massachusetts, and New York, New York, shall develop and submit to the Congress a program master plan for a coordinated program of improvements to such main line that will permit the establishment of regularly scheduled, safe, and dependable rail passenger service between Boston, Massachusetts, and New York, New York, including appropriate intermediate stops, in 3 hours or less. Such plan shall include—

"(1) a description of the implications of such improvements for the regional transportation system, including the probable effects on general travel trends and on travel volumes in other transportation modes, and the implications for State and local governments in attaining compliance with the Clean Air Act;

"(2) an identification of the coordinated program of improvements and the specific projects that comprise that program, including their estimated costs, schedules, timing, and relationship with other projects;

"(3) an identification of the financial responsibility for the specific projects that comprise the program, and the sources of those funds;

"(4) an operating plan for the period of construction of the improvements demonstrating a coordinated approach to scheduling intercity and commuter trains;

"(5) an operating plan, for the period after completion of the program, for the coordinated scheduling of intercity and commuter trains, including the provision of priority scheduling, dispatching, and occupancy of tracks for appropriately frequent, regularly scheduled intercity rail passenger service of 3 hours or less between Boston, Massachusetts, and New York, New York, with appropriate intermediate stops;

"(6) a comprehensive plan to control future congestion on the Northeast Corridor attributable to increases in intercity and commuter rail passenger service;

"(7) an assessment of long-term operational safety needs and a list of specific projects designed to maximize operational safety; and

"(8) any comments the Corporation submits to the Secretary regarding the contents of the Plan.

The Secretary shall submit to the Congress any modifications made to the program master plan, along with any comments the Corporation submits to the Secretary regarding such modifications.".

(b) CONFORMING AMENDMENT.—The table of contents for the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by inserting after the item relating to section 707 the following new item:

"Sec. 708. Program master plan.".

SEC. 5. AUTHORIZATION OF PREFERRED STOCK.

Section 304(c) of the Rail Passenger Service Act (45 U.S.C. 544(c)) is amended by adding at the end the following new paragraph:

"(4) No amendment to the articles of incorporation of the Corporation shall be required for the issuance of the preferred stock required to be issued pursuant to this subsection.".

SEC. 6. PROPERTY FINANCING.

Section 306(n) of the Rail Passenger Service Act (45 U.S.C. 546(n)) is amended to read as follows:

"(n)(1) The Corporation shall not be required to pay any additional taxes as a consequence of its expenditure of funds to acquire or improve real property, equipment, facilities, or right-of-way materials or structures used directly or indirectly in the provision of rail passenger service. For purposes of this subsection, 'additional taxes' means taxes or fees (A) on the acquisition, improvement, ownership, or operation of personal property by the Corporation; and (B) on real property other than taxes or fees on the acquisition of real property, or on the value of real property which is not attributable to improvements made, or the operation of such improvements, by the Corporation.

"(2) For purposes of this subsection, the term 'Corporation' includes the Corporation's railroad subsidiaries and any lessors and lessees of the Corporation or its railroad subsidiaries.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

"(a) CAPITAL ACQUISITION AND CORRIDOR DEVELOPMENT.—

"(1) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under title VII of the Railroad Revitalization and Regulatory Improvement Act of 1976 (45 U.S.C. 851 et seq.)—

"(A) $272,000,000 for fiscal year 1993; and

"(B) $281,000,000 for fiscal year 1994.

"(2) GENERAL CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under this Act—

"(A) $300,000,000 for fiscal year 1993; and

"(B) $309,304,000 for fiscal year 1994.

"(3) NEW CORRIDOR DEVELOPMENT.—

"(A) IN GENERAL.—Of the amounts appropriated pursuant to paragraphs (1) and (2), not more than 15 percent of each amount shall be made available for projects described in subparagraphs (B) and (C) of this paragraph.

"(B) CORRIDORS BETWEEN DENSELY POPULATED CITIES.—(i) Except as provided in clause (ii), funds made available under subparagraph (A) shall be used to develop new intercity rail passenger service on corridors—

"(I) between cities undergoing significant population growth; and

"(II) where such service can reasonably be expected to provide travel times comparable with other surface transportation modes.

"(ii) Amounts shall be expended for the purposes described in clause (i) only if the service is requested by a State or States and the Corporation and such State or States agree that—

"(I) at least 90 percent of the cost of the acquisition of rolling stock for such service shall be paid by the Corporation; and

"(II) at least 90 percent of the cost of improvements in the right-of-way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment or facilities, shall be paid by the State or States.

"(iii) Service described in clause (i) shall be subject to section 403(b) with respect to operating expenses.

"(C) LONG DISTANCE RAIL PASSENGER CORRIDOR DEVELOPMENT.—(i) Except as provided in clause (ii), funds made available under subparagraph (A) shall be used to initiate new long distance intercity rail passenger service.

"(ii) Amounts shall be expended for the purposes described in clause (i) only if the service is requested by a State or States and the Corporation and such State or States agree that—

"(I) at least 75 percent of the cost of the acquisition of rolling stock for such service shall be paid by the Corporation; and

"(II) at least 90 percent of the cost of improvements in the right-of-way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment or facilities, shall be paid by the State or States.

"(iii) Service described in clause (i) shall be subject to section 403(b) with respect to operating expenses.

"(b) OPERATING EXPENSES.—

"(1) CORE SYSTEM.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating expenses—

"(A) $389,820,000 for fiscal year 1993; and

"(B) $321,500,000 for fiscal year 1994.

Of the amounts appropriated in subparagraphs (A) and (B), not more than 5 percent for each fiscal year shall be used for the payment of operating expenses under section 403(b) of this Act for service in operation as of September 30, 1992.

"(2) NEW STATE-SUPPORTED SERVICE.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating expenses under section 403(b) of this Act for service commencing after September 30, 1992—

"(A) $7,500,000 for fiscal year 1993; and

"(B) $9,500,000 for fiscal year 1994.

The expenditure by the Corporation of funds appropriated for operating expenses under section 403(b) of this Act for service commencing after September 30, 1992, shall not be considered to be an operating expense for purposes of calculating the revenue-to-operating expense ratio of the Corporation.

"(c) MANDATORY PAYMENTS.—There are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 1993, and $157,000,000 for fiscal year 1994, for the payment of—

"(1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in such fiscal years in excess of amounts needed to fund benefits for individuals who retire from the Corporation and for their beneficiaries;

"(2) obligations of the Corporation under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)) due in such fiscal years in excess of its obligations calculated on an experience-rated basis; and

"(3) obligations of the Corporation due under section 3321 of the Internal Revenue Code of 1986.

Funds appropriated under this subsection shall not be considered a Federal subsidy of the Corporation.

"(d) FISCAL YEAR 1992.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation $712,000,000 for fiscal year 1992.

"(e) ADMINISTRATION OF APPROPRIATIONS.—Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated, except that appropriations for capital acquisitions and improvements may be made in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation. Funds appropriated are authorized to remain available until expended. Appropriated sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with the Secretary's budget request as approved or modified by Congress at the time of appropriation. Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period.".

(b) CONFORMING AMENDMENT.—Section 403(b)(1)(B)(iii) of the Rail Passenger Service Act (45 U.S.C. 563(b)(1)(B)(iii)) is amended by striking "and 50 percent of the associated capital costs" and inserting in lieu thereof "and, except as provided in section 601(a), at least 50 percent of the associated capital costs".

(c) REPEAL.—Section 602 of the Rail Passenger Service Act (45 U.S.C. 602) is repealed.

SEC. 8. DEFINITION.

Section 103 of the Rail Passenger Service Act (45 U.S.C. 502) is amended—

(1) by redesignating paragraphs (13) through (17) as paragraphs (14) through (18), respectively; and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) 'Northeast Corridor' has the meaning given such term in section 701(c) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851(c)).".

□ 1840

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. President, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4250, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, today the House considers H.R. 4250, a bill to reauthorize the activities of the National Railroad Passenger Corporation, better known as Amtrak. I would like to commend the excellent work of the ranking member of the full committee [Mr. LENT] and the ranking member of the subcommittee [Mr. RITTER] in helping develop H.R. 4250. Their efforts on this bill will ensure Amtrak's ability to continue as a vital cog in the Nation's transportation system.

Amtrak today is a far cry from the rag-tag railroad scraped together from remnants of the freight railroads by Congress during the Nixon administration. Since 1981, Amtrak has improved its revenue-to-cost ratio from 0.48 to 0.79 and its revenue-to-cost ratio from 0.48 to 0.79 and its passenger miles traveled by 27 percent. At 79 percent cost coverage, Amtrak is the most efficient passenger rail system in the world. To spur this growth, Congress has provided investment at critical times to enable Amtrak to improve its financial performance. In return, the public has received rail service as an important link in the national transportation system. In rural areas, in large cities, and crisscrossing suburbs, Amtrak has been a constant for communities everywhere. Ridership today is 40 million passengers per year and growing. On the Northeast corridor alone, Amtrak is the largest single carrier of passengers, including airlines.

H.R. 4250 seeks to help Amtrak to continue improving itself. The bill rests on sound business principles: "Ya gotta have money to make money." Amtrak has concluded it can continue improving, and even reach operational self-sufficiency, but only with significant capital investment. Likewise, a report released to my committee February 19, 1992 by the U.S. Department of Transportation found that Amtrak

could increase revenues by as much as $125–$150 million per year by purchasing new equipment, adding capacity, and marketing routes more aggressively.

H.R. 4250 authorizes capital grants that combine for approximately $580 million for each of the next 2 years. These funds will be used to continue the acquisition of new rolling stock for Amtrak service nationwide, and to develop high-speed operations in the Northeast. In addition, the bill authorizes operating assistance in fiscal years 1993 and 1994 for Amtrak to maintain its existing route structure.

The bill provides incentives for both Amtrak and States to initiate new passenger rail service where economically justified. It sets aside up to 15 percent of the capital authorizations for corridor improvement, and roughly 8 percent of the operating authorization for new and existing 403(B) (State Supported) Service. In taking these steps, H.R. 4250 envisions constructive public-private partnerships for the provision of rail service that will return tangible benefits to communities in every region of the country.

H.R. 4250 also increases safety and encourages the acquisition of new, more efficient rail passenger equipment. The bill requires the Secretary of Transportation to develop a plan to eliminate all highway-rail grade crossings on the Northeast corridor. It directs the Secretary to develop a master plan for further capital improvements, including electrification, in the Northeast corridor. And it requires the corporation to develop a plan for the demonstration of new, efficient, high-speed equipment throughout the intercity rail passenger system.

I want to conclude today by making a few remarks about rail in general. Passenger rail in this country is undergoing a renaissance. Congestion in highways and airports has policymakers around the country looking for ways to provide new capacity. Transit funding for commuter rail is on the increase. Cities seeking to comply with the Clean Air Act are turning to rail as a clean mode.

The Office of Technology Assessment [OTA] reports that population in this country will increase by 32 million between now and 2010. Over the next 30 years, OTA estimates that highway traffic volume will double. With these increases will come corresponding increases in energy consumption and pollution. As this happens, we would do well to remember a train can move the same amount of passengers as automobiles, buses, or aircraft at less energy cost and creating less pollution.

Even the administration has had a change of heart about Amtrak; last year marked the first time it has recommended funding Amtrak since the early 1980's. In short, people are coming back to the rails, much as they are in Europe and throughout the world. Amtrak is positioned to respond to communities seeking to maintain or improve their quality of life.

Current funding for Amtrak expires September 30, of this year; therefore,we must move forward with this sensible bipartisan authorization now. I urge my colleagues' strong support for H.R. 4250. It will be good for our transportation system, good for economic development throughout the country, good for the environment, and good for the transportation consumer.

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

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

Mr. Speaker, I want to commend the gentleman from Washington [Mr. SWIFT], our Transportation Subcommittee chairman, and our committee chairman, the gentleman from Michigan [Mr. DINGELL] and the committee's ranking member, and the gentleman from New York [Mr. LENT] for their outstanding efforts in moving this bipartisan legislation forward.

As Amtrak completes its 21st year of intercity rail service, the Nation is beginning to appreciate how badly we need a balanced national transportation policy of trains, planes, and automobiles. This is especially true in an era when we are concerned with dependence on foreign energy sources and with the effect of our transport activities on the environment.

This consensus on the importance of rail service was far from evident when Amtrak took over the passenger trains in 1971. But in the intervening years, largely through the able leadership of Graham Claytor, Amtrak has proven its worth and is well on the way to achieving its declared goal of operational self-sufficiency by the end of this decade.

To do this, Amtrak must have the resources—particularly capital such as rolling stock and right-of-way improvements—to provide reliable, high-quality service to its customers. After all, the travel market is one in which the customer reigns supreme, and without quality and value, the business will go elsewhere.

Unfortunately, Amtrak is faced with more than merely maintaining its fleet. It is suffering the effects of virtual capital starvation during the 1980's. As a result, its locomotives and equipment are being pressed far beyond their normal service lifetimes. In addition, these capital shortages are preventing Amtrak from expanding service where the demand clearly justifies doing so.

The reauthorization bill we are considering today establishes a basic framework for a balanced Federal role in supporting Amtrak: adequate capital and a short-term continuation of operating subsidies to get Amtrak to the point of self-sufficiency by the end of the decade. Amtrak has already improved its revenue-to-cost ratio from 48 percent in 1981 to 79 percent in 1991.

As we contend with ever-increasing congestion at our airports and on our highways, this legislation helps focus national policy on support for our most energy-efficient and environmentally benign form of passenger transport.

The cost for improvements to rail lines is a small fraction of the cost for constructing new multi-billion-dollar airports or highways. In some cases, improved rail facilities can eliminate the need for new airports. For example, over 20 percent of the air traffic out of Boston's extremely congested Logan International Airport is destined for New York City. A new airport in the Boston area could cost well over $10 billion, including ancillary facilities and roads, and raise numerous environmental concerns.

Congress has approved funding for improvements to the Northeast corridor between New York and Boston to reduce trip time to under three hours. A 1990 study concluded that high-speed service between these two cities would permit cutting back up to 50 air shuttle trips daily and free up between 8 and 10 airport gates for longer distance operations.

This legislation is also a mandate for seeing through the commendable effort, already commenced by Amtrak's management, to attain self-sufficiency for the Nation's intercity rail carrier. I therefore strongly support this legislation and urge its prompt approval.

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

Mr. SWIFT. Mr. Speaker I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. I rise in strong support of the bill before us.

I first wish to commend the author of the legislation, the gentleman from Washington, who so ably chairs our Subcommittee on Transportation and Hazardous Materials, for his strong leadership in bringing this measure to fruition. I also wish to commend the ranking Republican of the subcommittee, the gentleman from Pennsylvania, for his strong support and significant contributions to this important legislation. Finally, I wish to convey my deep respect and warm affection for my good friend and distinguished colleague, the gentleman from New York, who serves as the ranking Republican of our committee, and to recognize him for his great abilities, his good judgment, his good humor, and his untiring efforts in the many, many legislative accomplishments we have shared through the years. I count as one of these accomplishments the bipartisan legislation we have enacted time after time during the past decade to keep Amtrak running. This accomplishment has been of particular importance in light of the

administration's unyielding determination to cut all Federal assistance to Amtrak. Without the leadership of Representative LENT and many others in this body, Amtrak would have become a thing of the past and would not have made the progress it has been able to attain.

There are a few signs that the administration's position may have shifted somewhat during the past few months. While the President's most recent budget is woefully inadequate to provide Amtrak with needed capital, it at least recognizes that some funding for Amtrak is justified. Similarly, Secretary of Transportation Card appears, at a minimum, to be willing to reexamine the administration's historic policies regarding Amtrak and, hopefully, is prepared to recommend dramatic changes in these policies to enable Amtrak to be what it should and can be. As well, the Office of Management and Budget, while noting its objections today to the bill, has in no manner suggested that a veto by the President—as occurred 2 years ago—will be recommended. While these relatively modest indications do not rise to the level of support for Amtrak that the vast majority of Members of Congress have demonstrated repeatedly—reflecting, in my judgment, the views of most Americans—they have been duly noted. As always, I stand ready and willing to work with the administration to ensure in the future that Amtrak will be a first-class citizen that serves the American public, its workers, and numerous national policies.

Last fall, the Congress enacted the Intermodal Surface Transportation Efficiency Act [ISTEA]. In signing the legislation, President Bush joined a nearly unanimous chorus of voices from the Congress to praise the attributes of what many considered to be a landmark accomplishment. In signing the measure, the President embraced the legislation, saying that it "will build roads, fix bridges, improve mass transit and create new jobs." In fact, at the same time, President Bush underscored that the legislation will "support more than 600,000 jobs in this fiscal year." The bill provides more than $150 billion for highways and mass transit over the next 6 years, creating a new 155,000-mile National Highway System that will be eligible to receive the bulk of the Federal funds authorized therein. Indeed, there were many in the Congress who would have supported even higher levels of funding for the programs and projects addressed in the legislation. in fact, during the recent House debate on the 1993 transportation appropriations bill, H.R. 5518, an amendment was offered and approved that would shift significant expenditures from foreign operations to certain transportation accounts. While I supported the amendment, I note with great disappointment that not one penny of the additional funds would be used to supplement Amtrak appropriations, despite the fact that the level of Amtrak appropriations set forth in the House bill are well below the level needed for Amtrak's immediate needs, much less its long-term prosperity. Proponents of the provision, echoing the love-in accompanying passage of the ISTEA, claimed that the amendment would create roughly 150,000 jobs and would fulfill the promise Congress made to the American people in ISTEA that we will address the Nation's highway and other transportation needs.

I actively supported enactment of ISTEA. I therefore find it to be inconsistent, illogical, and incomprehensible that any other supporter of that legislation would object in any manner to provisions of the bill before us today, particularly given the relatively meager aspects of the financial implications of the legislation. The authorization levels in this bill are but a drop in the bucket compared to the billions of dollars that Members of Congress and the President supported in ISTEA. We consistently support billions of Federal dollars to be spent on highways, airports, and mass transit. But every time that we bring an Amtrak bill to the floor, it is all too predictable that there is substantial opposition to its modest funding levels. By doing so, we ensure that Amtrak can at best limp along as a second-class operation. We ensure that the traveling public, Amtrak's employees, and public policies, including furtherance of environmental laws and policies and support for an integrated and healthy national transportation system are disserved. Our support for Amtrak, when compared to historic and continued investment levels for passenger rail in other developed countries, is nearly laughable. Those who vote against Amtrak funding turn around and scratch their heads and wonder why the French, German, British, and Japanese rail systems are able to outperform Amtrak without understanding the financial commitment made to passenger rail service in these and other countries.

The benefits of a national passenger rail operation are critical to the well-being of the Nation. Our committee report accompanying H.R. 4250 outlines the environmental and transportation policies that a healthy Amtrak operation furthers, including mitigation of congested highways and airways, decreased air pollution, better integration of all transportation modes, and increased usage of an underutilized infrastructure, as well as describing the basic dilemma Amtrak faces. A severe lack of capital—epitomized by the fact that Amtrak inherited a fleet of already-dilapidated passenger cars from privately owned railroads more than two decades ago when Congress perceived the need to establish a national passenger rail company—not only inhibits further productivity and efficiency gains but jeopardizes Amtrak's current performance by increasing operating expenses and related maintenance costs and decreasing the quality of service, thus resulting in a large current capital deficit of $500 million. The lack of capital also threatens the safe operation of Amtrak trains. Despite the severe funding cuts in Federal assistance Amtrak has experienced during the past decade, it has shown a remarkable ability to improve its revenue-to-cost ratio, from only 48 percent in 1981 to about 80 percent in the last few years. However, this steady improvement indicator has leveled out since 1990 and further improvements will not be achievable without capital investment in new equipment, plant modernization, and track upgrading.

H.R. 4250 targets Amtrak's current needs while looking ahead to future systemwide improvements and innovations. The bill provides a much-needed shot in the arm in the area of capital assistance that will allow Amtrak to purchase new equipment and improve its track and plant. The bill also authorizes needed funds for the Northeast corridor, including the elimination of grade crossings, and directs Amtrak to plan and implement major improvements between New York and Boston. The committee believes Amtrak's investment in the Northeast corridor must be preserved and enhanced. Studies and marketing analyses indicate the unequivocal benefits that will be achieved if further improvements are made to the Northeast corridor, including Amtrak's ability to improve its revenues, as evidenced by Amtrak's historic performance between Washington, DC, and New York. The bill also directs Amtrak to expend funds to develop new routes throughout the Nation, including projects between densely populated areas, as well as long-distance rail passenger corridor development.

I also take this opportunity to emphasize Amtrak's critical role in establishing high-speed rail corridors throughout the country. Today, Amtrak owns and operates the Nation's only high-speed rail operation between Washington and New York. The success of this premiere operation has been demonstrated amply, with Amtrak enjoying the position today as the largest single carrier of passengers on the corridor, including both surface transportation and air modes. The need for similar operations throughout the country was recognized in certain provisions of the ISTEA legislation, developed by our committee, where the Secretary of Transportation has been directed to select five high-speed rail corridors that will be eligible for Federal funds to eliminate hazards of grade crossings. I firmly believe that this approach makes abundant sense by building on the existing rail infrastruc-

ture and utilizing existing technologies and equipment, while allowing for future innovations and improvements. In my own home State of Michigan, plans are well underway to apply for these ISTEA funds prior to the end of this month for the Detroit-Chicago corridor. I am confident that Secretary Card will agree with me that the selection of the five corridors, based on the criteria provided in ISTEA, should be completed no later than early October. This modest first step for high-speed rail development is long overdue and needs to be taken as soon as possible. The bill we are considering today goes hand in hand with the development of high-speed rail activities and will serve to benefit passengers and communities throughout the country.

In closing, I wish to commend the efforts of the president of Amtrak, Mr. Graham Claytor, as well as the Amtrak workers who serve the railroad. When Mr. Claytor assumed the reins of Amtrak over a decade ago, after an already distinguished career in public service and the rail industry, Amtrak was in dire straits. In spite of declining Federal funding and intense opposition to Amtrak by the administration, Graham Claytor has made significant and lasting improvements to our national passenger railroad system. His dedication and persistence have been without parallel. As well, I commend the efforts of those men and women who work for Amtrak. Without their hard work and dedication, Amtrak would not be able to survive.

Mr. Speaker, I strongly urge all Members to support this important legislation.

□ 1850

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

Mr. Speaker, I would just like to support something that the gentleman from Michigan [Mr. DINGELL] was saying. In an era when we are withdrawing from the great competition for weapons production and defense production, although we do want to keep a mindful eye that we are in a dangerous world, it makes some sense to take a look at this growing need for trains, in addition to planes and automobiles, to solve our transportation problems, and to begin to think about in some sense converting some of that wonderful high-technology production capacity toward better trains, intercity trains, to solve some of the congestion problems.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of the committee.

Mr. ROWLAND. Mr. Speaker, I commend the gentleman from Washington [Mr. SWIFT], the chairman of the subcommittee, for his excellent work on H.R. 4250, the gentleman from Michigan [Mr. DINGELL], the chairman of the full committee, and also the gentleman from Pennsylvania [Mr. RITTER], the ranking minority member on the subcommittee, and the gentleman from New York [Mr. LENT], the ranking member on the full committee.

Mr. Speaker, a national rail passenger system is an essential part of the country's transportation infrastructure and, in my view, will become increasingly important in the years ahead. This is why I rise today in support of H.R. 4250. It is fiscally sound legislation that will enable Amtrak to continue to make progress in providing the kind of national system the country needs.

Unfortunately, the job of developing a truly national system is not finished. Several gaps exist in various parts of the country, including one through the area I represent in middle and south Georgia—the proposed Chicago-to-Jacksonville route that would pass through Atlanta and other points in Georgia. With the Olympics coming to Atlanta in 1996, it is particularly crucial that we move forward on this project.

Amtrak has repeatedly stated it supports the completion of the system as soon as it is financially feasible. The bill we are considering today gives Amtrak the authority to proceed on this course. It authorizes new routes that are needed to link up densely populated cities and complete the nationwide network of passenger service.

Many issues have to be settled before any new route can be implemented. Those of us who are involved in the Chicago-to-Jacksonville route are working to resolve these issues at all levels. This bill is a step in the right direction. In fact, it is a step forward for the whole country.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today we consider a measure of vital significance to the economies of the entire Northeast region. Securing funding for Amtrak has been a constant, hard-fought battle—a battle to save our Nation's crumbling transportation infrastructure and help revitalize our ailing economy.

Today's bill authorizes significant new funding for improvements to the Northeast rail corridor. No single transportation project is more important for the entire Northeast region. The 465-mile Northeast corridor serves the mass transit needs of over 40 million Americans in a region with the highest population density of the Nation.

Growing demands have placed new strains on our aging transportation infrastructure. In my State of Connecticut, long-term economic and social vitality is threatened by a transportation system that is no longer capable of meeting the present and future needs of our communities.

The renewed Federal commitment to the Northeast rail corridor offers new hope to the commuters of the Northeast region. It says the Federal Government is now back in the business of helping our communities develop an economical, environmentally sound and energy efficient response to the increasing travel demands of our States.

Work on the Northeast corridor also brings with it thousands of new and desperately needed jobs to a region suffering through the longest recorded recession since the Great Depression. This crucial investment will also bring mass-transit improvements that promise at least one-half billion dollars a year in increased economic activity in the region, and thousands of additional new jobs that this activity will bring with it.

Mr. Speaker, I congratulate my colleagues for their work in renewing the Federal commitment to this essential link in our Nation's transportation infrastructure. It is this kind of far-sighted commitment that will help lay a solid foundation for long-term economic growth, and for competitiveness in the global marketplace of the future.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to express my agreement with the gentlewoman from Connecticut [Ms. DELAURO]. The gentlewoman is absolutely correct on the importance of this high-speed rail and the Northeast corridor in general. I have been pleased to work with the gentlewoman and want to say that this is a very important piece of legislation from the environmental, energy, and economic standpoint. So I am delighted to be able to support it.

Mr. SWIFT. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I want to commend the gentlewoman from Connecticut [Ms. DELAURO] on her statement, and also say she is a great credit to the State of Connecticut.

Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

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

Mr. Speaker, as the gentleman from Washington [Mr. SWIFT] may know, I was here in Washington, DC on Capitol Hill as a staffer before I was a Member of Congress back in the late sixties and early seventies and I worked on the original authorization of Amtrak. So I rise in strong support of the chairman's efforts now 20 years later to reauthorize Amtrak, and particularly want to thank the gentleman from Washington [Mr. SWIFT] for his efforts in this legislation to clear the way for the establishment of new rail services.

Mr. Speaker, as Members know, I have worked for some time in my State of Montana to reopen Amtrak's southern route and again make Amtrak available to the many towns and cities along the southern tier of Montana, service they enjoyed for much of this century. This bill provides important consensus to our efforts to open the southern route, or any new route, for that matter.

Mr. Speaker, I wish to also thank those Members of the minority that have risen here today to support a strong continuation of Amtrak, because I know this is not an easy position to take in light of the administration's continued opposition, or, at the very best, mild support for public rail service.

Mr. Speaker, this legislation marks another step in our fight with this and the previous administration to maintain a passenger railroad in the United States. Under the privatization strategy of the 1980's the administration zeroed out Amtrak year after year, and this year the administration proposed a funding level which, if enacted, would have been the death knell for Amtrak.

Mr. Speaker, Amtrak provides our people with reasonably priced, enjoyable, and above all energy efficient transportation. Most Americans understand the importance of Amtrak and believe that if the Federal Government has to invest to keep it going, then that is a good investment. Over the long run we will be glad we made the effort to keep this system up and running.

□ 1900

I would also like to encourage my colleagues to join the gentleman from Washington [Mr. SWIFT], as I have, in working for passage of his legislation to earmark one penny of the gas tax for Amtrak. Without this type of approach, I think we may never develop the funding stability needed for a strong, excellent, first-class, sound rail passenger service system in this country. Without this type of financial support, those opposed to Amtrak will continue their efforts and possibly one day succeed in destroying something that serves as a cornerstone for economic development in my State of Montana as well as so many others.

Mr. Speaker, Montanans want to strengthen the service we have and expand service in those areas that have lost it. I am pleased that this is the business we are about today.

Again, let me say that I commend the chairman for his strong support for Amtrak, for his diligent work on this reauthorization, and the gentleman from Washington [Mr. SWIFT] for trying to earmark that penny.

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

I thank the gentleman. I would point out that the earmark is not in this bill, unfortunately. But it is not in this bill. It will be going through another committee, and I have some considerable optimism that in the next Congress we will be able to deal with that effectively. I thank the gentleman for bringing that point up.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in strong support of H.R. 4250, and I rise to commend the gentleman from Washington [Mr. SWIFT] for his excellent work on this bill.

In 1977, 16 years ago, my first year in Congress, I spoke on the floor of this House in favor of more funds for Amtrak. I think that it is to the credit of Congress that we have supported Amtrak steadfastly during the 1980's, when one administration tried very hard to get rid of it.

I know whereof I speak. My wife and I, in the last 8 years, have traveled over 40,000 miles by Amtrak on virtually every route. I regularly take Amtrak from Cleveland-Elyria in my own district back to Washington, when I go home on the weekend.

And I am impressed with the service provided by Amtrak under somewhat difficult circumstances, I might add, since Amtrak does have to run over freight railroads and since it has to operate with equipment which in many cases is 50 years old.

Anyone who rides Amtrak east of the Mississippi knows that the Amtrak crews which refurbish that old equipment do a magnificent job. The equipment is really in very good shape, very well maintained, despite its age.

I think if we were to reward or to pass legislation around here based on rewarding government agencies for their good work in the past, we certainly ought to be very much in Amtrak's favor and very generous in our authorization for Amtrak.

It is my personal experience and observation that the management of Amtrak is good, very efficient, very hard-working, that the crews on Amtrak trains are very, very fine.

There is a certain comradery among Amtrak employees, which I find to be quite remarkable, especially since they have not had very many pay increases recently.

Finally, I would like to pay tribute to one particular Amtrak employee, whose name is Ernie, who runs the ticket office here in the Capitol. He has been unfailingly helpful and cooperative to us over the years. To me, he is a walking advertisement for Amtrak, our national rail system.

I hope very much that we can continue Amtrak and strengthen it in the years ahead because we will surely, surely need train travel as an adjunct for automobile traffic in the future.

There is no way we can continue to operate just with the highways that we have as inner-city traffic continues.

Again, my congratulations to the committee and my appreciation to the gentleman from Washington [Mr. SWIFT] for yielding time to me.

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

I might just call attention to this idea of train travel and rails being part of our overall need to invest in transportation infrastructure, just like an interstate highway system, just like the airport system.

I would like to point out that between 1980 and 1992, over $27 billion in general revenues, exclusive of trust fund expenditures, have been used to fund the FAA's operations and air traffic control programs.

In fiscal 1992 alone, $2.2 billion in general revenues were used to fund the air traffic control system. Air travel is also federally subsidized through the use of tax-free revenue bonds used to fund grants-in-aid for airports.

The use of tax-free revenue bonds deprives the Federal Treasury of tax revenues, and this kind of constitutes a Federal subsidy.

In addition, the Federal Government contributes trust fund moneys to the construction of new airports and airport improvements.

So when we talk about Federal subsidies for trains, I think we have to put it in some context with what we see for highways and what we see for airports. When we put it in that kind of context, trains have been relatively starved in terms of national infrastructure.

Mr. LENT. Mr. Speaker, I want to commend our transportation subcommittee chairman, the gentleman from Washington, and the subcommittee's ranking Member, the gentleman from Pennsylvania, as well as our committee chairman, the gentleman from Michigan, for the diligent bipartisan efforts that went into fashioning this legislation. This bill will assure that Amtrak is reauthorized on a timely basis.

Twenty years ago, when Amtrak took over intercity rail service, it seemed a fragile and risky venture into a field of transportation that the freight railroads were eager to abandon. But since then, largely due to the management of Graham Claytor, Amtrak has not only prospered, but has managed to reduce drastically its reliance on Federal operating subsidies.

Given adequate capital, Amtrak can be operationally self-sufficient by the turn of the century. But capital is essential. No enterprise, public or private, can function without adequate investment to maintain its equipment and infrastructure. In Amtrak's case, this means replacing and modernizing locomotives, rolling stock, and equipment on a timely basis.

The bill we are considering today provides the basic charter for Amtrak's continued right to balanced Federal support—both operating and capital funds. If we follow through on this effort to sustain Amtrak with the capital it needs, we can have a thriving and self-supporting intercity rail network in just a few short years

Those of us in the northeast have long appreciated the benefits of rail service as a sensible antidote to increasing airway and high-

way congestion. Rail transport is also environmentally sound—a critical consideration in light of current and future environmental requirements, including the Clean Air Act.

Partly because of environmental requirements, other regions of the Nation are now beginning to share the Northeast's appreciation of the advantages of rail transportation. H.R. 4250 is a balanced approach to maintaining and improving Amtrak as a national asset. I strongly support its enactment.

Mr. LAROCCO. Mr. Speaker, I rise today in strong support of H.R. 4250, the Amtrak Capital Acquisition and Technology Development Act sponsored by Congressman SWIFT.

As many of my colleagues can attest, Amtrak provides a necessary service throughout the United States. At a time when Americans are traveling more than ever before, rail passenger service affects us all. Many small, rural towns have neither air nor bus services. And there are communities in Idaho where Amtrak is the only national transportation option available. Its continued service must be protected.

As our Nation's population continues to grow, we are becoming increasingly attuned to the environment, to clean air standards and to the overall reduction of our energy consumption. Transportation planners view rail passenger services as the solution to many of these problems. And there is no greater nationwide passenger rail line than Amtrak.

Amtrak is also a sound business investment for America. By increasing revenues, productivity and efficiency, Amtrak has managed to greatly reduce its dependence on Federal funding. Ten short years ago, Amtrak met less than half of its annual operating expenses. This year, however, it will cover more than 80 percent of its overhead, en route to its goal of full self-sufficiency.

Mr. Speaker, a changing and growing nation requires a transportation network which can meet the needs of all its people. Amtrak's record ridership and economic growth reveal that it is a vital component of America's transportation infrastructure. I intend to support this important legislation and would encourage my colleagues to do the same.

Mr. FAZIO. Mr. Speaker, I rise in support of H.R. 4250, the Amtrak authorization bill for fiscal years 1993 and 1994. I also want to commend the gentleman from Washington [Mr. SWIFT] for bringing this important legislation before us today.

Mr. Speaker, last year proved to be another record-breaking year for Amtrak. Total ridership rose to over 40 million passengers and brought in record earnings of $1.36 billion. More importantly, Amtrak continues to become more self-sufficient each year. This year, Amtrak projects that it will be able to cover 82 percent of operating costs from its own sources and continues to strive for the goal of 100 percent self-sufficiency by the year 2000. Dramatic progress has been made in this area since 1981 when Amtrak covered only 48 percent of its costs. Thus, on a nationwide basis, Amtrak continues to be a wise and productive investment in our nation's transportation systems.

Amtrak is also important to California. Amtrak employs over 2,700 Californians. Nearly 5.5 million passengers, including nearly 180,000 from the Sacramento area, commuted or travelled on Amtrak in 1991. Amtrak is an important component of our State's efforts to keep pace with the travelling and commuting demands of Californians. In fact, growing traffic congestion problems in metropolitan centers throughout the state, as well as country, simply underscore the need to emphasize the development of mass transit systems. As such, we should be channeling more funding toward the development of commuter and passenger rail services.

In this regard, H.R. 4250 provides that Amtrak purchases of new, more modern equipment targeted at increasing speeds over existing rail lines should be demonstrated on a nationwide basis. This provision is important to California and other Amtrak-friendly States because these demonstration projects have historically been limited to the Northeast corridor.

Of equal importance to California is the bill's provision which encourages Amtrak to develop intercity rail services in high-growth corridors and initiate new long distance intercity rail passenger service. California is home to three of the highest growth corridors in the country. Moreover, H.R. 4250 will help expand several existing intercity rail lines which have origination and destination points in California.

Clearly, Mr. Speaker, Amtrak continues to be important source of transportation for millions of Americans. H.R. 4250 helps steer Amtrak away from its Northeastern bias, and will improve Amtrak service on a nationwide basis. Amtrak is proving that the demand for rail service continues to grow and that the investment we are making in it is worthwhile. I strongly urge my colleagues to support Amtrak and support H.R. 4250.

Mr. ANDREWS of Maine. Mr. Speaker, I stand in strong support of H.R. 4250, which reauthorizes the National Railroad Passenger Corporation, or Amtrak. I want to thank the chairman of the Transportation Subcommittee, Mr. SWIFT, for his demonstrated leadership in recognizing Amtrak as an essential part of our Nation's transportation system.

I strongly believe passenger rail must serve as a viable transportation mode both in my State of Maine and across the Nation. Rail is a valuable transportation alternative. It offers the opportunity to improve air quality, reduce congestion, and strengthen our economy. This bill will enhance and improve Amtrak's operations, efficiency and service.

In particular, I support the funding levels in the bill included under new corridor development and new service operating costs. Maine is one of only three States in the continental United States that does not have Amtrak service. This legislation would facilitate the return of passenger rail to service to Maine. Amtrak in Maine would provide a convenient, alternative mode of transportation for travelers and commuters to and from Portland, Boston, and significant points between the these cities.

The State of Maine is committed to seeing the return of passenger rail service through Amtrak. Even in these difficult economic Times, last year Maine transportation officials were authorized under a new law to seek at least $40 million to help revive passenger rail service between Portland and Boston. The law grew from a citizen-initiated bill brought before the legislature—the first such a bill has become law without a referendum. Marine transportation officials are working closely with Amtrak to secure funding, rights of way, and other necessary steps to expedite the process. Clearly, the people of Maine support the return of passenger rail service to our State.

Maine is proud of its innovative solutions regarding its environmental and economic development policies. Passenger rail service conforms with Maine's ethic of developing sound and innovative policy options. The Nation as a whole must adopt these goals as well. Amtrak is a vital part of that solution. I urge my colleagues to support this bill and provide America with a dymanic, cost-efficient, environmentally sound passenger rail system.

Mr. PETERSON of Florida. Mr. Speaker, I rise in strong support of the Amtrak authorization because the improvements outlined in this bill are essential due to the key role that our rail system will play as we search for ways to solve both the transportation and energy problems of this Nation as we head into the 21st century.

The positive economic impact of this bill will increase the revenue available to Amtrak, not only in the northeast United States, but throughout this Nation. The measures contained in this legislation will fill the transportation void that currently exists in many areas of the southeast, particularly in Florida, Alabama, Louisiana, and Mississippi. It increases access and increases revenue miles for Amtrak by allowing for the expansion of rail service throughout the country.

I also strongly support the section contained in this bill requiring Amtrak to develop a plan for demonstrating new high-speed passenger rail equipment. Mr. Speaker, the development of high-speed rail is absolutely essential because America has a lot of catching-up to do, both in relieving the escalation of the traffic and gridlock that is overwhelming commuters in our urban areas, and in dealing with the energy and environmental questions that await us if we continue to ignore the problem.

In short, I support this bill because it will increase access for many areas that currently lack rail service, and it is a step in the right direction in regard to the energy and environmental problems facing us as we look toward the 21st century. The capital improvement in this authorization represent a wise investment in the Nation's future.

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

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 4250, as amended.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—ayes 8, noes 3.

So, (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL FRIDAY, AUGUST 14, 1992, TO FILE REPORT ON H.R. 5730, TOXIC SUBSTANCES CONTROL ACT AMENDMENT

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until 5 p.m. on Friday, August 14, 1992, to file the committee report on H.R. 5730, to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

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

There was no objection.

CALIFORNIA TRIBAL STATUS ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2144) to provide restoration of the Federal trust relationship with and assistance to the terminated tribes of California Indians and the individual members thereof; to extend Federal recognition to certain Indian tribes in California; to establish administrative procedures and guidelines to clarify the status of certain Indian tribes in California; to establish a Federal commission on policies and programs affecting California Indians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2144

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 "California Tribal Status Act".

SEC. 2. FINDINGS.

The Congress has reviewed the social, economic, and political circumstances of California Indians and of governmental policies and programs affecting California Indians and finds that—

(1) the Congress has recognized a special government-to-government relationship with Indian tribes in the United States;

(2) due to the unique historical circumstances of the Indians of California, Federal law and policies have often dealt specifically with California Indians;

(3) there is an urgent need to clarify both the eligibility of California Indian tribal groups to be recognized as Indian tribes with all the rights and powers attendant to that status, and the right of those groups already so recognized to be secure in the enjoyment of that status;

(4) there is among California Indians a continuing social and economic crisis, characterized by, among other things, alcohol and substance abuse, critical health problems, family violence and child abuse, lack of educational and employment opportunities, and significant barriers to tribal economic development;

(5) these conditions exist even though public policies and programs adopted by the Federal Government have been intended to improve the conditions of California Indians; and

(6) California Indian tribes and tribal organizations have expressed a need for a review of the public policies and programs affecting California Indians and to make such policies and programs more effective in accomplishing Federal policy objectives.

TITLE I—AUBURN INDIAN COMMUNITY RESTORATION

SEC. 101. DEFINITIONS.

For purposes of this title:

(1) The term "Tribe" means the United Auburn Indian Community of the Auburn Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the governing body of the Tribe specified in section 107.

(4) The term "member" means those persons meeting the enrollment criteria under section 106(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe pursuant to section 104.

SEC. 102. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Notwithstanding any provision of law, Federal recognition is hereby extended to the Tribe. Except as otherwise provided herein, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this title shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of enactment of this title.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this title, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation. Notwithstanding any other provision of law, the Tribe shall be considered an Indian tribe for the purpose of the Indian Tribal Governmental Tax Status Act of 1982 (26 U.S.C. 7871).

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this title shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this title, nothing in this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 103. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution as provided in section 108, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) RESTRICTIONS.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 104.

SEC. 104. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Placer County, California, not to exceed 1,000 acres, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims on such property including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(b) FORMER TRUST LANDS OF THE AUBURN RANCHERIA.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held communally pursuant to the distribution plan prepared and approved by the Bureau of Indian Affairs on August 13, 1959, and Indian owned fee land held by persons listed as distributees or dependent members in such distribution plan or such distributees' or dependent members' Indian heirs or successors in interest.

(c) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe or, as applicable, an individual member of the Tribe, and shall be part of the Tribe's reservation.

(d) LANDS TO BE NONTAXABLE.—Any real property conveyed or transferred to the Secretary and taken into trust for the benefit of the Tribe under this section shall be exempt from all local, State, and Federal taxation as of the date of such transfer.

SEC. 105. CRIMINAL AND CIVIL JURISDICTION.

The State shall exercise criminal and civil jurisdiction within the boundaries of the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, respectively. Retrocession of such jurisdiction may be obtained pursuant to section 403 of the Act of April 11, 1968 (28 U.S.C. 1360 note).

SEC. 106. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Within 1 year after the date of the enactment of this title, the Secretary shall compile a membership roll of the Tribe.

(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal constitution is adopted pursuant to section 108, an individual shall be placed on the membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, is of United Auburn Indian Community ancestry, and if—

(A) such individual's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671;

(B) such individual was not listed on but met the requirements that had to be met to

be listed on the Auburn Indian Rancheria distribution list compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671; or

(C) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A) or (B).

(2) After adoption of a tribal constitution pursuant to section 108, such tribal constitution shall govern membership in the Tribe, except that in addition to meeting any other criteria imposed in such tribal constitution, any person added to the membership roll shall be of United Auburn Indian Community ancestry and shall not be a member of another federally recognized Indian tribe.

(c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN COMMUNITY ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing United Auburn Indian Community ancestry. The Secretary shall accept as conclusive evidence of United Auburn Indian Community ancestry information contained in the Auburn Indian Rancheria distribution list compiled by the Bureau of Indian Affairs on August 13, 1959.

SEC. 107. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 108, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on the date of the enactment of this title, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991. Any new members filling vacancies on the Interim council shall meet the enrollment criteria set forth in section 106(b) and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

SEC. 108. TRIBAL CONSTITUTION.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll under section 106(a) and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), except that absentee balloting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

TITLE II—ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) The term "California Indian tribe" means any federally recognized or unacknowledged Indian tribe located in the State of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(4) The term "federally recognized Indian tribe" means any Indian tribe, band, group, or community that—

(A) has been federally recognized by the United States Government through an Act of Congress or an administrative decision by the Secretary pursuant to part 83 of title 25, Code of Federal Regulations;

(B) was terminated by an Act of Congress and has been restored through an Act of Congress or by a judicial decision; or

(C) is included, as of the date of the enactment of this Act, on the list of federally recognized tribes maintained by the Secretary.

(5) The term "unacknowledged Indian tribe" means any Indian tribe, band, group, or community that—

(A) is not federally recognized by the United States Government; or

(B) has been terminated by an Act of Congress and has not been restored through an Act of Congress, a judicial decision, or an administrative determination by the Secretary.

(6) The term "Council" means the Advisory Council on California Indian Policy established pursuant to section 202.

SEC. 202. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established the Advisory Council on California Indian Policy.

(b) MEMBERS.—The Council shall be composed of 16 members who shall be appointed by the Secretary not later than 90 days after the date of the enactment of this Act as follows:

(1) Two duly elected tribal leaders (or their designees) from the federally recognized Indian tribes located within the Northern California Agency area of the Bureau, including all field and subagencies.

(2) Two duly elected tribal leaders (or their designees) from the unacknowledged Indian tribes located within the Northern California Agency area of the Bureau.

(3) Three duly elected tribal leaders (or their designees) from the federally recognized Indian tribes located within the Central California Agency area of the Bureau.

(4) Three duly elected tribal leaders (or their designees) from the unacknowledged Indian tribes located within the Central California Agency area of the Bureau.

(5) Two duly elected tribal leaders (or their designees) from the federally recognized Indian tribes located within the Southern California Agency area of the Bureau.

(6) Two duly elected tribal leaders (or their designees) from the unacknowledged Indian tribes located within the Southern California Agency area of the Bureau.

(7) The Area Director of the California Area Office of the Bureau and the Area Director of the California Area Office of the Indian Health Service who shall serve as nonvoting members of the Council.

(c) RECOMMENDATIONS FROM CALIFORNIA INDIAN TRIBES.—In making appointments to the Council under subsection (b), the Secretary shall give careful consideration to recommendations submitted by California Indian tribes.

(d) INITIAL MEETING.—The Council shall hold its first meeting by no later than the date that is 30 days after the date on which all members of the Council have been appointed.

(e) VACANCY.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointments were made.

(f) QUORUM.—8 voting members shall constitute a quorum for the transaction of business, but a smaller number, as determined by the Council, may conduct hearings.

(g) CHAIRPERSON; VICE CHAIRPERSON.—The Council shall select a Chairperson, a Vice Chairperson, and such other officers as it deems necessary.

(h) COMPENSATION.—Members of the Council shall serve without compensation. All members of the Council shall be reimbursed for travel expenses, including per diem in lieu of subsistence, during the performance of duties of the Council while away from home or their regular place of business in accordance with subchapter 1 of chapter 57 of title 5, United States Code.

SEC. 203. DUTIES OF THE COUNCIL.

The Council shall—

(1) establish a comprehensive list of California Indian tribes and the descendency list for each tribe based upon documents held by the Bureau and specified in section 204;

(2) identify the special problems confronting unacknowledged Indian tribes and propose reasonable mechanisms to provide for the orderly and fair consideration of requests by such tribes for Federal recognition;

(3) review and update the 1984 report of the California Indian Task Force;

(4) develop an implementation plan for such updated report of the California Indian Task Force;

(5) secure and maintain copies of documents which identify and clarify the services being provided to Indian tribes nationwide and those that are provided to and needed by California Indians, including information that identifies the tribal affiliation and whether or not the group is federally recognized, for each of the California Indian tribes receiving services within the State;

(6) conduct a comprehensive study of—

(A) the social, economic, and political status of California Indians; and

(B) the effectiveness of those policies and programs of the United States that affect California Indians;

(7) conduct public hearings on the subjects of such study;

(8) develop recommendations for specific actions that—

(A) will help to ensure that California Indians have life opportunities comparable to other American Indians of federally recognized tribes, while respecting their unique traditions, cultures, and special status as California Indians;

(B) will address, among other things, the needs of California Indians for economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems; and

(C) will respect the important cultural differences which characterize California Indians and California Indian tribes and tribal groups;

(9) submit, by no later than the date that is 18 months after the date of the first meeting of the Council, a report on the study conducted under paragraph (6) together with the recommendations developed under paragraph (8) and such other information obtained pursuant to this section as the Council deems relevant, to the Congress, the Secretary, and the Secretary of Health and Human Services; and

(10) make such report available to California Indian tribes, tribal organizations, and the public.

SEC. 204. ACCESS TO DESCENDENCY LISTS.

The Secretary shall provide to the Council, not later than 30 days after the first meeting of the Council, the following documents:

(1) The roll of California Indians developed in 1972 pursuant to the distribution of the Indian Claims Commission award of July 20, 1964, including but not limited to dockets

Nos. 31, 37, 80, 80-D, 176, 215, 333, and 347, and authorized by the Act of September 21, 1968 (82 Stat. 860).

(2) The rolls of California Indians developed in 1950 and 1955 pursuant to the distribution of the 1944 United States Court of Claims judgment award and authorized by the Act of June 30, 1948 (62 Stat. 1166), the Act of May 24, 1950 (64 Stat. 189), and the Act of June 8, 1954 (68 Stat. 240).

(3) The rolls of California Indians developed in 1928 and 1933 pursuant to the distribution of the United States Court of Claims judgment award and authorized by the Act of May 18, 1928 (45 Stat. 602).

(4) The rolls of California Indians developed pursuant to section 19 of the Act of June 18, 1934 (48 Stat. 984).

(5) The rolls of California Indians developed pursuant to the Acts of Congress terminating reservations and rancherias, including distributee rolls developed for the distribution of assets under the Act of August 18, 1958 (72 Stat. 619), the Act of July 10, 1957 (71 Stat. 283), and the Act of March 29, 1956 (70 Stat. 58).

(6) Current tribal membership rolls of California Indian tribes.

SEC. 205. POWERS OF THE COUNCIL.

(a) STAFF.—(1) Subject to such rules and regulations as may be adopted by the Council, the Chairperson of the Council shall have the power to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law relating to the number, classification, and General Schedule rates) of an Executive Director of the Council and of such other personnel as the Council deems advisable to assist in the performance of the duties of the Council, at rates not to exceed a rate equal to the maximum rate of basic pay payable under section 5376 of such title for a position classified above GS-15 pursuant to section 5108 of such title; and

(B) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of such title for a position classified above GS-15 pursuant to section 5108 of such title.

(2) Service of an individual as a member of the Council shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Council, or as an employee of the Council, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(b) ACTIONS.—The Council may hold such hearings and sit and act at such times, take such testimony, have such printing and binding done, enter into such contracts and other arrangements, make such expenditures, and take such other actions, as the Council may deem advisable. Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council.

(c) TASK FORCES.—The Council is authorized to establish task forces which include individuals who are not members of the Council only for the purpose of gathering information on specific subjects identified by the Council as requiring the knowledge and expertise of such individuals. Any task force established by the Council shall be chaired by a voting member of the Council who shall preside at any task force hearing authorized by the Council. No compensation (other than compensation authorized under section 202(h) to a member of the Council) may be paid to a member of a task force solely for their service on the task force, but the Council may authorize the reimbursement of members of a task force for travel expenses, including per diem in lieu of subsistence, during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Council shall not authorize the appointment of personnel to act as staff for the task force, but may permit the use of Council staff and resources by a task force for the purpose of compiling data and information. Such data and information shall be for the exclusive use of the Council.

(d) FUNDING.—The Council is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of California, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this title.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Council.

(f) COOPERATION OF FEDERAL AGENCIES.—(1) The Council is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Council may require to carry out the purposes of this title, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics, directly to the Council, upon request made by the Chairperson of the Council.

(2) Upon the request of the Council, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Council and detail any of the personnel of such department, agency, or instrumentality to the Council, on a nonreimbursable basis, to assist the Council in carrying out its duties under this title.

(3) The Council may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 206. TERMINATION.

The Council shall cease to exist on the date that is 180 days after the date on which the Council submits the report required under section 203(9). All records, documents, and materials of the Council shall be transferred to the National Archives and Records Administration on the date on which the Council ceases to exist.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $700,000 to carry out the provisions of this title. Such sums shall remain available, without fiscal year limitation, until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation presently under consideration.

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

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. RHODES. Mr. Speaker, H.R. 2144 is the California Tribal Status Act. The amended bill provides for the restoration of the United Auburn Indian Community and establishes an advisory council on California Indian policy.

After extensive hearings and meetings on this subject, the committee learned of two great problems facing Indian tribes in California: lower levels of Federal funding for tribes and higher numbers of unacknowledged tribes.

These two problems stem from a tragic history. In 1851, 18 treaties were negotiated with California tribes in which the tribes relinquished all rights to California land. Because of pressure from the California delegation, the 18 treaties were never ratified by the Senate. The Indian land was taken anyway, leaving the tribes homeless. In 1906, Congress established several rancherias for the California Indian tribes. However, in 1953 Congress terminated most of the rancherias. Today, although California has the second largest population of Indian people of any State, funding has historically been low because of a small land base and a large segment of the tribal population that the administration refuses to recognize as federally acknowedged tribes.

Today we take a small step to try to undo these sins of the past. The United Auburn Indian Community had a long and pround history before it was terminated by a 1958 act. This Indian Community of 125 people deserves restoration and should get it immediately. There are several other tribes equally deserving of Federal recognition in the State of California, and in the days and years ahead the committee hopes to recognize these other tribes as well.

It has been the experience of the committee that the solutions for the problems of Indian country have always come from Indian country. This bill is no exception. A working group of California tribes came up with the idea of a study commission for the historically based funding disparity between tribes in California and tribes in the rest of the country. Then, a working

group of unacknowledged tribes refined this idea to include a study of acknowledgement problems. The bill melds the two concepts and requires that seven federally recognized tribal leaders and seven leaders from unacknowledged tribes work in tandem to provide a report to Congress and the administration.

This report will provide a blueprint for the future of California Indians. We will use the recommendations of the council as we approach California Indian policy in the 1990's and on into the next century. The bill puts the tribes at the helm and empowers them to come up with new ideas to achieve funding equity and to resolve the plight of unacknowledged tribes.

I urge my colleagues to support this measure.

BACKGROUND ON H.R. 2144—THE CALIFORNIA TRIBAL STATUS ACT

Estimates range from 133,000 to 200,000 Indians in California in the 16th century when the first Spanish expeditions explored the area. There were seven major language groups among these tribes and it was noted that they lived in a peaceable manner. Twenty-one Spanish missions were established in the 18th century and Spanish law was enforced in California. Lands were held in trust for the crown and Indians residing on those lands were used as serfs. Hence, California Indians were sometimes used as slaves during this period and communities and cultures were destroyed. European diseases also contributed to the diminishment of the tribal groups.

In 1848, the Treaty of Guadalupe Hidalgo ended the war with Mexico and ceded California and other territories to the jurisdiction of United States. In 1850, the California legislature passed an act "for the Government and Protection of Indians" which provided for a minimum of federal interference in state land issues and also effectively allowed for the sale of Indians into slavery. This Act was repealed in 1863 but had a devastating effect on California Indians.

From 1851–52, Indian Commissioners were assigned to provide for a "just and equitable settlement with the Indians of California" on behalf of the United States. The Commissioners negotiated eighteen treaties with tribal leaders and one supplemental agreement. These came to be known as the "Barbour Treaties."

Under the Barbour Treaties, tribes relinquished all rights and title to California land. In exchange, the tribes were to receive over 8.5 million acres of land as well as other goods, subsistence, supplies, livestock and clothing. Guarantees of teachers, farmers, carpenters and other workmen were included in the treaties.

Because of pressure from the California delegation, the Barbour Treaties were never ratified by the United States Senate. The tribes, who had bargained in good faith and signed the documents, were not notified of the Senate's rejection of the treaties until 1905.

In spite of the Senate's failure to ratify the treaties, lands which had been occupied by tribes were surveyed as public lands and sold. In 1851, the California Indian population was estimated at over 100,000. By 1890, because of homelessness, hunger, disease and extermination, the population was around 15,000.

The Smiley Commission was appointed around 1890 to conduct a survey of the conditions of Southern California Indians. The Mission Relief Act of 1891 was the result of the commission's work and it set aside small parcels of land in Southern California for Indians.

In 1905, the Barbour Treaties, which many of the tribes still retained as part of their oral history, were "rediscovered." Beginning in 1906, lands were purchased by Congress for the homeless Indians of California. Families were assigned to these small parcels called rancherias.

In 1934, the Indian Reorganization Act (IRA) provided for the organization of tribal governments and many of the rancherias voted on the application of the IRA to their communities. Hence, the management of internal affairs by California tribes became recognized by the Bureau of Indian Affairs.

However in 1953, Congress passed House Concurrent Resolution 108 which called for the assimilation of Indians into the mainstream of America and for a termination of federal responsibilities towards tribes. Several termination statutes followed. In 1958, P.L. 85–671 entitled the "Rancheria Act" called for the termination of the federal trust responsibility to 41 rancherias. Distribution plans for trust assets were prepared and carried out through the mid-1960's. Tribes in the Coyote Valley of California were terminated under separate but similar legislation.

In 1970, President Nixon declared the termination policy a failure. In the 100th Congress, the termination policy was expressly repudiated by the Senate and the House. Most tribes terminated in the 1950's and 1960's have been restored by Congress. Others, such as some of the rancherias, have been "unterminated" through the judicial process.

RESTORATION OF THE UNITED AUBURN INDIAN COMMUNITY

In August of 1958, the "Rancheria Termination Act" passed the Congress as Public Law 85–671. The Act provided for the distribution of land and other assets of certain Indian rancherias or reservations within the State of California. The law affected 41 different Indian trust properties.

The Auburn Rancheria was among the 41 terminated tribes. The Rancheria was established in 1910 when twenty acres of land was purchased for four-hundred dollars from the Indian Land Act of June 21, 1906 (31 Stat. 325) and the Indian Land Act of April 30, 1908 (35 Stat. 70). The total acreage was forty-one acres. Forty acres were purchased by the federal government and one acre was purchased by singer Harry "Bing" Crosby in the early 1940's.

The residents of the Rancheria, which is thirty-five miles north of Sacramento, belong mainly to the Southern Maidu or Hill Nisenan and Miwok and Tehama tribes of California Indians. The Auburn area is at the southern reach of the aboriginal territory of the Maidu where it adjoined the aboriginal territory of the Miwok. This probably accounts for the fact that most of the members of the Tribe are of Maidu of Miwok descent. However, two California Indians of Pomo and Wailaki Indian descent, respectively intermarried with members of the Tribe and were subsequently listed on the distribution roll prepared by the Bureau of Indian Affairs on August 13, 1959 pursuant to P.L. 85–671. It is the Committee's position that the United Auburn Indian Community includes all distributees and their descendants.

The Auburn Rancheria was not organized under the Indian Reorganization Act of 1934 (IRA) due to a negative vote of the fifty reservation residents. However, the bill authorizes the tribe to follow the procedures of the IRA until a tribal constitution is adopted.

The Committee notes that the tribe is authorized to acquire land and to have it placed in federal trust status. It should be noted that the implementation of the Rancheria Act resulted in the division and distribution of rancheria lands formerly held in tribal or community ownership. Distribution was made to individual Indians and to associations of Indians established under California law. These associations, which were composed of those persons named as distributees in the rancheria distribution plan, took title to the rancherias' water storage and distribution systems and any additional lands intended to be held in community ownership.

On the Auburn Rancheria, the White Oak Ridge Association was formed and took title to the rancheria water system, the land on which a small church is located, and a communal park area. The remaining lands of the Rancheria were distributed to individual Indians of the Rancheria. This Act allows those distributees or dependent members who presently own land on the Rancheria, or their Indian heirs or successors in interest, to return their lands to trust status. Similarly, the lands held by the White Oak Ridge Association could be returned to trust status. Title to the lands returned to trust status would be held by the United States in trust for the individual Indian or, in the case of the communally-held lands of the White Oak Ridge Association, in trust for the Tribe or tribal entity. These lands, once placed in trust, would become part of the Tribe's reservation.

The State of California is one of six states mandatorily under the aegis of Public Law 83–280. In essence, the 1953 Act conferred state civil and criminal jurisdiction over Indian lands. However, the jurisdictional scheme under the Act is complex and the section providing for application of State civil and criminal jurisdiction under P.L. 280 is intended to reflect controlling Supreme Court and Ninth Circuit interpretations of that Act. The Supreme Court in *Bryan* v. *Itasca County*, 426 U.S. 373 (1976), and later in *California* v. *Cabazon Band of Mission Indians* 480 U.S. 202 (1987), substantially limited the scope of State civil regulatory authority in Indian country. And the Ninth Circuit has recently held in *Native Village of Venetie* v. *State of Alaska*, 944 F.2d 548 (9th Cir. 1991), that P.L. 280 did not divest tribes of their inherent jurisdiction which coexists concurrently with that vested in the States under P.L. 280.

The Committee notes that 27 of the 41 tribes terminated by the 1958 Act have been restored. The Committee asserts that the 69 adults of the United Auburn Indian community and their descendants (making a total of about 125) deserve immediate restoration. The Committee understands the blood quantum of the United Auburn Indian Community is quite high and it expects the initial enrollment list to be made up of persons of at least one-eight Indian blood quantum.

THE ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY

The California Indian Task Force, established in 1983, was created to ensure the substantive participation of Tribal leaders in developing recommendations to address California tribal problems. In 1984, a Report of the Task Force was released; however, no implementation plan was included.

In 1990, H.R. 5436 was introduced and included the recognition of several Indian

tribes, the restoration of several terminated tribes, a separate administrative process to recognize California Indian tribes and a Commission made up of three Congressmen, three Senators and three Indians. The 100th Congress ended without action on H.R. 5436.

In 1991, the bill was reintroduced as H.R. 2144. At the October 2, 1991, hearing, the Administration opposed all of the provisions of the bill except the restoration of terminated Indian tribes. The Committee invited California Indian tribes to submit suggested amendments to H.R. 2144.

A working group of tribes met on March 18, 1992, to discuss the drafting of a substitute bill. Subsequent meetings were held and on May 28th at a hearing of the Interior Committee, a proposed amendment in the nature of a substitute was submitted by California Indian tribes to the Committee. The substitute recommended a study commission made up of 3 representatives from federally recognized tribes from each of the 3 Bureau of Indian Affairs agency service areas in California. In addition to these 9 members, 3 representatives from unacknowledged tribes and the BIA and IHS area directors were to be commission members as well. The Commission was to update the 1984 Task Force Report and establish an implementation plan for the updated report.

On July 14, 1992, Committee staff met with several unacknowledged Indian tribes in San Jose, California. The unacknowledged groups asserted that half of the membership of the Commission should be comprised of representatives unacknowledged tribes and half of the focus be devoted to the issues of nonfederally recognized tribes.

Ultimately, the Committee determined that the Advisory Council on California Indian Policy needed to be comprised of 7 unacknowledged tribal leaders and 7 federally recognized tribal leaders. The BIA and IHS area directors would be included as nonvoting members. The Central California Agency area would be allowed additional membership because of a larger population.

The Committee determined that Council needed to address two problems:

(1) Funding

California has 4.14% of the federally recognized Indians in the United States as determined by the 1990 BIA Labor Force Report. However, the Sacramento Area Office received just 1.86% of federal funds directly allocated to the 12 BIA area offices in FY 1990. 1990 funding should have been $37.7 million, instead it was $16.9 million, 55% below its fair share. There are 97 federally recognized tribes in California, most of which are quite small. California has about 33% of the small tribes in the U.S., yet only received 15% of the Small Tribes Management program funds. The Council will address these issues and provide an implementation plan.

(2) Unacknowledged Tribes

H.R. 2144 initially proposed to Federally recognize several Indian tribes. The amendment requests information and a plan for how Congress should proceed with unacknowledged groups. The Committee seeks a list of all tribes and all Indians, recognized and unrecognized, in the State of California. The Committee has required the Secretary of Interior to provide the Council with the major enrollment lists of this Century. The Committee expects the equivalent of a California Indian census as a result of the Council's updating these enrollments lists with the living descendants.

It is estimated that there are 15 terminated tribes not yet restored in California and at least 32 unacknowledged tribes. In the Council's report, the Committee does not seek a mere list of tribes to be immediately recognized. Rather, the Committee seeks a reasonable mechanism to proceed with recognition requests. The Committee seeks hard information on tribal enrollment matters, the aboriginal and current location of tribes, and blood quantum estimates.

CONCLUSION

The Committee asserts that the true strength of California Indians is in their ability to survive adversity, and their true power is in their ability to generate new, innovative ideas. The Committee has required the federally recognized tribes to work with unacknowledged tribes on the Council. The Committee has done this because the two groups need each other as they plan the future for the Indian tribes of California. The Committee has every confidence that the Indians of California will find creative solutions to their problems and that many tribes across the country will benefit from the work product of the Advisory Council on California Indians.

SECTION-BY-SECTION ANALYSIS OF H.R. 2144—THE CALIFORNIA TRIBAL STATUS ACT

Section 1

Section 1 cites the short title of the Act as the "California Tribal Status Act".

Section 2

Section 2 sets out the findings of the Congress.

TITLE I—UNITED AUBURN INDIAN COMMUNITY RESTORATION

Section 101—Definitions

Section 101 sets out the definitions used in Title I of this bill.

Section 102—Restoration of Federal Recognition, Rights and Privileges

Subsection (a) extends Federal recognition to the United Auburn Indian Community and provides that all laws and regulations of general application to Indians shall be applicable to the United Auburn Indian Community and its members.

Subsection (b) provides that all rights and privileges of the United Auburn Indian Community and its members under Federal treaty, Executive order or statute which were diminished or lost under the Rancheria Termination Act of August 18, 1958 (P.L. 85-671) shall be inapplicable to the tribe and its members after the date of enactment.

Subsection (c) provides that after enactment of this title, the United Auburn Indian Community and its members shall be eligible for all Federal services and benefits furnished to other federally recognized Indian tribes and their members notwithstanding any other provision of law and without regard to the existence of a reservation. It further provides that the United Auburn Indian Community shall be considered an Indian tribe for the purpose of the Indian Tribal Government Tax Status Act (26 U.S.C. 7871).

Subsection (d) provides that nothing in this Act shall affect in any way the hunting, fishing, trapping, and water rights of the United Auburn Indian Community and its members.

Subsection (e) provides that the Indian Reorganization Act (48 Stat. 984) as amended shall apply to the United Auburn Indian Community and its members.

Subsection (f) provides that nothing in this Act shall alter any property right, contractual rights or any obligation for taxes levied.

Section 103—Economic Development

Section 103 provides that the Secretary shall work cooperatively with the Community to develop an economic development plan for the Community. This plan shall be developed within two years of enactment.

Section 104—Transfer of Land To Be Held in Trust

Section 104 provides that the Secretary shall accept into trust any real property located in Placer County for the benefit of the United Auburn Indian Community. In order to be placed in trust status, these lands cannot exceed 1,000 acres and cannot be subject to any adverse legal claims. Lands held communally or by distributees are to be eligible for trust status. It further provides that lands taken into trust by the United States shall be made part of the United Auburn Indian reservation. It also provides that any real property taken into trust for the benefit of the Tribe shall be exempt from all local, state, and Federal taxes upon the date of transfer.

Section 105—Criminal and Civil Jurisdiction

Section 105 provides that the State shall exercise criminal and civil jurisdiction within the boundaries of the reservation in accordance with 18 U.S.C. 1162 and 28 U.S.C. 1360. The tribe may obtain retrocession of the jurisdiction pursuant to section 403 of the Act of April 11, 1968 (82 Stat. 77).

Section 106—Membership Rolls

Section 106 provides that within one year of enactment, the Secretary shall compile a roll of the United Auburn Indian Community. It provides that until a tribal constitution is adopted, persons eligible for enrollment shall not be enrolled in another Federally recognized Indian tribe and must be of United Auburn Indian Community ancestry, and must meet the following conditions: be listed on or be eligible to be listed on the United Auburn Indian Rancheria distribution roll of August 13, 1959, or is a lineal descendant of such an individual. After the adoption of the tribal constitution, the constitution shall govern membership in the tribe except that any person added to the roll must be of United Auburn Indian ancestry and cannot be a member of a Federally recognized tribe.

Section 107—Interim Government

Section 107 provides that until a new tribal constitution is adopted and becomes effective, the executive council of the United Auburn Indian Community shall serve as an Interim Council and continue to operate in a manner prescribed in the existing tribal constitution and bylaws.

Section 108—Tribal Constitution

Section 108 provides that upon the written request of the Interim Council of the tribe, after completion of the membership roll, the Secretary shall conduct an election by secret ballot for the purpose of adopting a tribal constitution. This election shall be conducted consistent with section 16 of the Act of June 18, 1934 (48 Stat. 984).

Subsection (b) provides that not later than 120 days after the adoption of a tribal constitution and bylaws the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials.

TITLE II—ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY

Section 201—Definitions

Section 201 sets out the definitions used in this title.

Section 202—Establishment of the Advisory Council

Section 202 establishes an advisory council on California Indian Policy which shall consist of sixteen members. There shall be two

members from Federally recognized tribes and two members from unacknowledged tribes located in the Northern California Agency of the BIA, three members from Federally recognized tribes and three members from unacknowledged tribes located in the Central California Agency, and two members from Federally recognized tribes and two members from unacknowledged tribes located in the Southern California Agency. In addition, the Area Director of the BIA and the IHS shall serve as non-voting, ex officio members. It further provides that eight voting members shall constitute a quorum.

Finally, it provides that members of the council shall serve without compensation but shall be eligible for reimbursement for travel and per diem during the performance of their duties while away from home or their regular place of business.

Section 203—Duties of the Council

Section 203 provides that the Council shall establish a comprehensive list of California Indian tribes and a descendency list for each Indian tribe, conduct a comprehensive study of the social, economic and political status of California Indians, review and update the 1984 Report of the California Indian Task Force, develop an implementation plan for the updated report of the Task Force, and identify special problems confronting unacknowledged Indian tribes and propose reasonable mechanisms to provide for the orderly and fair consideration of requests for Federal recognition. It also provides that the Council shall report on the study conducted under this section no later than 18 months after the date of the first meeting of the Council. This report shall be made to the Congress, the Department of Interior and the Department of Health and Human Services.

Section 204—Access to Descendency Lists

Section 204 provides that the Secretary shall provide to the Council within 30 days of their first meeting the 1972 roll of California Indians for distribution of the Indian Claims Commission award of July 20, 1964; the 1950 rolls of California Indians for the distribution of the 1944 judgment award of the U.S. Court of Claims; the 1928 and 1933 rolls of California Indians for distribution of the judgment award under the Act of May 18, 1928; the rolls of California Indians developed under section 19 of the Act of June 18, 1934; the rolls of California Indians developed pursuant to the acts of August 18, 1958, July 10, 1957, and March 29, 1956; and any current tribal membership rolls of California Indian tribes.

Section 205—Powers of the Council

Section 205 provides that the Chairman shall have the power to appoint and terminate an Executive Director and such other personnel as the Council deems advisable to assist in the performance of the duties of the Council. It also provides that an individual member or employee of the Council shall not be considered an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable Federal law.

Section (b) provides that the Council may hold hearings and take testimony, enter into contracts, make such expenditures and take such other actions as the Council may deem advisable.

Subsection (c) provides that the Council is authorized to establish task forces which can include individuals who are not members of the Council for the purpose of gathering information. Any task force established shall be chaired by a voting member of the Council who shall preside at any task force meeting. Members of a task force shall not receive compensation for serving on the task force. However, members of a task force may be reimbursed for travel expenses during the performance of duties. Council staff and resources may be used by a task force for the purpose of compiling data and information.

Subsection (d) provides that the Council is authorized to accept gifts of property, services or funds and to expand funds derived from non-federal sources appropriate and necessary to carry out the provisions of this title.

Subsection (e) provides that the Federal Advisory Committee Act shall not apply to the Council.

Subsection (f) provides that the Council is authorized to secure from any office, department, agency, establishment, or instrumentality of the Federal government such information as the Council may require to carry out the purposes of this title. Each officer, department, agency establishment, or instrumentality is authorized and directed to provide such information to the extent permitted by law. It also provides that upon the request of the Council any Federal department or agency may make any facilities or services available to the Council and detail any personnel of such agency or department to the Council. The Council may use the mails in the same manner and under the same conditions as departments and agencies of the United States.

Section 206—Termination

Section 206 provides that the Council shall cease to exist 180 days after the date on which the report required under section 203(9) is filed. All records and materials shall be transferred to the National Archives and Records Administration on the date of termination.

Section 207—Authorization of Appropriations

Section 207 provides that there are authorized to be appropriated $700,000 to carry out the provisions of this title. Such sums shall be available without fiscal year limitation, until expended.

□ 1910

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

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

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I rise in support of H.R. 2144. The gentleman from California [Mr. MILLER] has adequately explained the bill's provisions. I would simply note that the legislation enjoys bipartisan support, and the restoration of the Auburn trial community is not opposed.

However, I must take some exception with the gentleman's statements that the problems experienced by Indians in California stem in large part from the fact that the administration refuses to federally recognize a large segment of the population. There are around 140 tribal entities in California.

Approximately two-thirds of those entities are federally recognized. Of the remaining 47 unacknowledged groups, only 9 have applied for Federal recognition under the established BIA process. One—the Death Valley Timbi-Sha Shoshone Band—was recognized by the BIA in 1983, another—the Kaweah Indian—was denied recognition in 1985, and the remaining seven have not yet satisfactorily completed their petitions.

I agree with the gentleman that there may be other groups in California deserving of Federal recognition. I cannot agree with his position that such recognition is the responsibility of the Interior Committee.

I have introduced legislation which is designed to reform and revise the recognition process. I think we all agree that the process needs assistance. It needs assistance through legislation. It does not need assistance through us legislatively recognizing tribes.

I do want to thank the chairman of the committee for scheduling my legislation for hearing early in September, and it would be my hope that hearing will lay the groundwork for legislative activity early next year to revise the recognition process so that deserving entities such as those in California can go through a process that will lead them in a timely fashion to the recognition that they deserve.

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

Mr. MILLER of California. Mr. Speaker, I have no further requests for time.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, this may in fact be a good piece of legislation, as were a number of other meritorious suspensions that have come before this body in the past 1½ to 2 days now.

My point is that every one of these suspensions costs the taxpayers dollars, 26 suspensions yesterday for some $2.5 billion or some estimate like that; 16 suspensions today for some $6 billion; almost $10 billion under suspension, without any recorded votes, without any accountability to the taxpayers or to the voters as to how their Congressman voted. This is objectionable. This is obscene. The House must stop the practice.

Mr. Speaker, I intend to ask for a recorded vote when the opportunity arises on the suspensions, and the taxpayers should ask for no less.

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

Mr. MILLER of California. Mr. Speaker, I have no further requests for time. I want to thank the gentleman from Arizona [Mr. RHODES] for his cooperation on this legislation and on this subject matter, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 2144, as amended.

The question was taken.

Mr. MARLENEE. Mr. Speaker, on that I demand the yeas and nays.

The question was taken.

Mr. MARLENEE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, at this time is a motion to adjourn in order? Is it a privileged motion?

The SPEAKER pro tempore. A motion to adjourn is a privileged motion.

FALSE CLAIMS AMENDMENTS ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 4563, with an amendment.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I had a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARLENEE. Mr. Speaker, I did not receive a response on my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman did receive a response. The motion is a privileged motion.

MOTION TO ADJOURN

Mr. MARLENEE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARLENEE. 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. The Chair will count for a quorum.

PARLIAMENTARY INQUIRIES

Mr. GEKAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Mr. Speaker, is the Chair empowered to declare a recess?

The SPEAKER pro tempore. No; he is not. The Chair is counting for a quorum.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, in light of the fact that the gentleman who is objecting was upset that bills cost money, is it relevant that the next bill is a saving to the taxpayer, according to OMB and CBO, since it is a False Claims Amendment Act? Maybe the gentleman would like to let us save a few million dollars.

The SPEAKER pro tempore. The Chair cannot entertain that inquiry, which is not a parliamentary inquiry, when he is counting for a quorum.

Mr. FRANK of Massachusetts. I knew that, Mr. Speaker, but the gentleman was listening.

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Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Mr. Speaker, what would be the effect of my withdrawing the point of order?

The SPEAKER pro tempore. If the gentleman withdrew his point of order, the Chair would rely on his earlier declaration that the noes had it on the voice vote and the motion would not be agreed to.

PROCEDURES OF THE HOUSE QUESTIONED

(Mr. MARLENEE asked unanimous consent and was given permission to address the House out of order.)

Mr. MARLENEE. Mr. Speaker, I truly meant what I said about the obscene process, the obscene process of votes under suspension that cost, in the past 2 days, that cost the taxpayers $10 billion without accountability.

The House must seek to end this practice.

Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order of no quorum.

So the motion to adjourn was rejected.

FALSE CLAIMS AMENDMENTS ACT OF 1992

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4563) to amend the False Claims Act to provide certain limitations on Federal employees filing qui tam actions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4563

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 "False Claims Amendments Act of 1992".

SEC. 2. PROVISIONS RELATING TO INFORMATION LEARNED IN THE COURSE OF GOVERNMENT EMPLOYMENT.

Section 3730(b)(4) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(4)";

(3) in clause (ii), as so redesignated, by inserting ", subject to subparagraph (B)," after "shall"; and

(4) by adding at the end the following:

"(B) Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government may move to dismiss from the action the person bringing the action if such person learned of the information that underlies the alleged violation of section 3729 that is the basis of the action, in the course of the person's employment by the United States, and the following has not occurred:

"(i) In a case in which the employing agency has an Inspector General, such person, before bringing the action—

"(I) disclosed in writing substantially all material evidence and information that relates to the alleged violation and that the person possessed, to such Inspector General, and

"(II) notified in writing the person's supervisor and the Attorney General of the disclosure under subclause (I).

"(ii) In a case in which the employing agency does not have an Inspector General, such person, before bringing the action—

"(I) disclosed in writing substantially all material evidence and information that relates to the alleged violation and that the person possessed, to the Attorney General, and

"(II) notified in writing the person's supervisor of the disclosure under subclause (I).

"(iii) 12 months have elapsed since the disclosure of information and notification under either clause (i) or (ii) were made and the Attorney General has not filed an action based on such information. Prior to the expiration of such 12-month period and upon notice to the person who has disclosed information and provided notice under either clause (i) or (ii), the Attorney General may file a motion seeking an extension of such 12-month period. Such 12-month period may be extended by a court for an additional period of not more than 12 months upon a showing by the Government that the additional period is necessary for the Government to decide whether or not to file such action. Any such motion may be filed in camera and may be supported by affidavits or other submissions in camera.

"(C) For purposes of subparagraph (B)(i)(II) and (ii)(II), a person's 'supervisor' is the officer or employee of the next highest rank to that of the person, who has supervisory authority over that person, and who the person believes is not culpable of the violation upon which the action under this subsection is brought by that person.".

SEC. 3. CERTAIN ACTIONS BARRED.

(a) RECOVERY.—Section 3730(d)(1) of title 31, United States Code, is amended by striking the second sentence.

(b) JURISDICTION.—Section 3730(e)(4) of title 31, United States Code, is amended to read as follows:

"(4)(A) No court shall have jurisdiction over an action brought under subsection (b) in which all of the material facts and allegations are obtained from a news media report or reports, or a disclosure to the general public of a document or documents—

"(i) created by the Federal Government;

"(ii) filed in a lawsuit to which the Federal Government is a party; or

"(iii) relating to an open and active investigation by the Federal Government;

unless the person bringing the action is an original source of such facts and allegations.

"(B) For purposes of this paragraph, an individual is an 'original source' of material facts and allegations if such individual has knowledge, independent from the sources listed in subparagraph (A), of such facts and allegations and has voluntarily provided them to the Government. The person bringing the action shall also be considered an original source of any material facts or allegations developed as a result of information provided to the Government by that person.".

SEC. 4. EXCLUSION.

Section 3729(e) of title 31, United States Code, is amended by striking "1954" and inserting "1986, or to any violation under any of sections 8a through 8d of the Agricultural Adjustment Act (7 U.S.C. 608a through 608d)".

SEC. 5. WHISTLEBLOWER PROTECTION.

Section 3730(h) of title 31, United States Code, is amended—

(1) by striking "(h)" and inserting "(h) WHISTLEBLOWER PROTECTION.—(1)"; and

(2) by adding at the end the following:

"(2) In any action brought by an employee under paragraph (1), the employee shall be entitled to relief if, based upon a preponderance of the evidence, the employee demonstrates that a lawful act described in paragraph (1) was a contributing factor in the action by the employer against the employee that is alleged in the complaint, unless the employer demonstrates by clear and convincing evidence that the employer would have taken the same action against the employee in the absence of such lawful act.

"(3) For purposes of this subsection, the term 'employer' means any employer in the private or public sector, including the United States Government.".

SEC. 6. APPLICABILITY.

(a) THIS ACT.—

(1) SECTION 2.—The amendments made by section 2 shall apply to cases filed on or after June 24, 1992.

(2) SECTION 3.—The amendments made by section 3 shall apply to cases pending on, or filed on or after, the date of the enactment of this Act.

(3) SECTIONS 4 AND 5.—The amendments made by sections 4 and 5 shall apply to cases filed on or after the date of enactment of this Act.

(b) PRIOR LAWS.—(1) The amendments made by the False Claims Amendments Act of 1986 (Public Law 99-562) shall apply to cases filed on or after the date of the enactment of that Act, and to cases pending on such date that are still pending on the date of the enactment of this Act.

(2) The amendments made by section 9 of the Major Fraud Act of 1988 (Public Law 100-700) shall apply to cases filed on or after the date of the enactment of that Act, and to cases pending on such date that are still pending on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill amending the procedure whereby someone can sue on behalf of the Federal Government against someone who has defrauded the Federal Government and share in the proceeds. The Federal Government gets most of the proceeds.

This procedure, known as qui tam, was reactivated by legislation enacted in 1986, supported by Senator GRASSLEY, the gentleman from Kansas [Mr. GLICKMAN], the gentleman from California [Mr. BERMAN], and others.

A question arose: What if a Federal employee sues under this procedure, claims that the Federal Government is being defrauded, may the Federal employee avail himself or herself of this practice? One circuit said no, one circuit said yes.

We resolve it in the following way: We recognize the primary obligation of the Federal employee is, as part of his or her job, to catch fraud. We put an obligation on that employee who finds fraud to report it, either to his or her superior, or, if the employee thinks the superior cannot be trusted, may be complicit in the fraud, then to the Attorney General or to the inspector general. If, after a reasonable period of time, that report has not been acted on, then the Federal employee can avail himself or herself of the right to sue and collect and share in the collection. What that says is that there is an exhaustion of remedies. If it works well, the Federal employee will have reported it to someone responsible, and there will be no qui tam suit. If it does not, then there will be.

We think this is the best solution to this.

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

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

Mr. Speaker, the gentleman from Massachusetts has more than adequately explained the meaning of the legislation that we are about to adopt.

I simply want to reemphasize the theme of exhaustion of remedy. There are many concepts in the law, one of which, when a claimant proceeds in different forums, that they must exhaust the normal process of remedies before they can seek the big prize, as it were.

We are taking care to make sure a Federal employee who shall make a claim like that will exhaust, will make sure that all the remedies have been undertaken before proceeding to the final prize.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will simply note that the Congressional Budget Office reports that this is a bill that will increase the Government's revenue. Not only will it not cost any money, it will increase the Government's revenue.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 4563, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLAIMS AUTHORITY FOR THE SECRETARY OF THE TREASURY

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2731) to amend section 2680(c) of title 28, United States Code, to allow Federal tort claims arising from certain acts of customs or other law enforcement officers, and to amend section 3724 of title 31, United States Code, to extend to the Secretary of the Treasury the authority to settle claims for damages resulting from law enforcement activities of the Customs Service, as amended.

The Clerk read as follows:

H.R. 2731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO SETTLE CLAIMS.

(a) EXPANDED COVERAGE TO CERTAIN OFFICERS OF THE TREASURY DEPARTMENT.—(1) Section 3724(a) of title 31, United States Code, is amended—

(A) by amending the first sentence to read as follows:

"With respect to a claim—

"(1) that is for personal injury, death, or damage to, or loss of, privately owned property, caused by an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice or by the United States Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, or the United States Secret Service, and is acting within the scope of employment, and

"(2) that may not be settled under chapter 171 of title 28,

the Attorney General (in the case of investigative or law enforcement officers of the Department of Justice) and the Secretary of the Treasury (in the case of investigative or law enforcement officers of the United States Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, or the United States Secret Service) may settle such claim for not more than $50,000 in any one case."; and

(B) in the last sentence by inserting "or the Secretary of the Treasury, as the case may be," after "Attorney General".

(2) Section 3724(b) of such title is amended—

(A) in the first sentence by inserting "and the Secretary of the Treasury" after "Attorney General"; and

(B) in the second sentence by striking "Attorney General" and inserting "report".

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 3724 of title 31, United States Code, is amended to read as follows:

"§ 3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice or the Department of the Treasury".

(2) The item relating to section 3724 in the table of sections at the beginning of chapter 37 of title 31, United States Code, is amended to read as follows:

"3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice or the Department of the Treasury".

SEC. 2. APPLICABILITY.

The amendments made by this Act shall apply to any claim arising on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this comes as a bipartisan measure.

The gentleman from Pennsylvania and I have amended some legislation as we present it to you here, and that is a substantial change.

We first learned about the situation after a private bill was filed by our senior colleague from Florida, the gentleman from Florida [Mr. BENNETT].

A man whose boat was suspected as having narcotics was, frankly, roughed up, not the man, the boat, by the Customs Service. Significant damage was done to the boat. There were no narcotics there.

The Customs Service clearly should not have acted as it did.

We voted a private bill, but we found in the course of that bill, and you will note that this bill is cosponsored by myself and a Republican member of the subcommittee, the gentleman from New Mexico [Mr. SCHIFF].

We were disappointed to find out that the Customs Service's statutory position was that even if negligence had resulted, negligence, gross negligence had resulted in the damage to property of an innocent citizen, not only were they not compelled to make restitution, they were legally barred from making any form of restitution.

Let me just restate that: We are talking about a situation where an innocent citizen, through a mistake, is stopped and then property of that citizen is negligently damaged. That does not happen a lot. We do not have law enforcement officers randomly banging up people's properties, but mistakes happen.

The question is: Is it appropriate for this Federal Government to say, "We are sovereign. Under no circumstances will we ever make you whole even where we have, through our agents, admittedly made a mistake."

Originally this bill would have compelled restitution. It would have required it. It would have given a right to sue. The administration objected.

I worked with the senior minority member of the subcommittee, and we decided that while some of us would have liked to go forward with that, the gentleman from Texas who has done extraordinary work in trying to make the Customs Service and others perform as they should, and we were ready to push it, but we wanted to get a bill. We did not want to get a veto.

What I thought made sense, and others thought made sense in cooperation with the gentleman from Pennsylvania, is that we amend this bill and we try it out as a permissive measure. So as it comes before you now, there is no compulsion on the Federal Government, but at least if it becomes law, the Federal Government will not be able to plead that it is unable to do anything. We will be willing to see how this is used, and if the Government will use the authority reasonably, then I would agree there would be no need to make it mandatory.

If they do not use it reasonably, in 2 or 3 years we may come back and say, "Well, we are going to sue you."

They also raised the question about why they should have to compensate for commercial goods which might be insured. Frankly, I found it a little ironic that an administration that has been complaining about the cost of private insurance would say, "Oh, by the way, if we negligently damage your goods, go collect from your commercial insurer." That is burden the commercial insurance system should not have to maintain.

On the other hand, this bill allows the administration to set some standards, and if they want to try, by setting one standard for damage to the vehicle itself, for instance, and a second somewhat higher standard that would trigger some damages in the case of goods that are commercially insured, again, I am willing to wait and see how that works out, but we certainly cannot maintain the situation where the Federal Government legally estops itself from trying to make someone whole.

This bill would remedy that situation.

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

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

Mr. Speaker, the gentleman from Massachusetts has more than adequately explained the contents of the legislation. It needs only to be said that from this side of the aisle that, indeed, any notion that this might open the floodgate to claims made by commercial shippers who might encounter the same kind of collision or damage that a private owner might on the high seas, that has been disposed of by the language that we have embedded into this statute.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. PICKLE], who has been a leader in working on this issue.

Mr. PICKLE. Mr. Speaker, I rise in support of H.R. 2731. This bill represents a good compromise between the interests of the U.S. Customs Service and those who suffer unnecessary and useless damage of cargo or conveyances by customs officials. I applaud the efforts of the distinguished chairman of the Committee on the Judiciary Subcommittee on Administrative Law and Governmental Relations in achieving this compromise.

Customs officials have long been hard-working and dedicated in fighting the war against drugs and in enforcing our trade laws, and I applaud their efforts. But occasionally, in their zealous pursuit to prevent the influx of narcotics and other illegal cargo into our country, officials can become reckless, and, under current law, they do so with impunity.

The Committee on Ways and Means Subcommittee on Oversight has heard many cases of damage caused to cargo during customs examinations. In one case, a furniture manufacturer reported a loss of $20,000 when Customs inspectors drilled quarter-inch holes in all of its lumber, at 2- or 3-foot intervals, to look for hidden narcotics. In another case, a domestic manufacturer lost thousands of dollars in goods when customs examined several bales of filter rod material. The bales were packed under pressure and could not be used if allowed to expand, but during the cargo examination, customs inspectors cut the binding straps, allowing the bales to expand, and probed the bales, cutting the filter rod material. The subcommittee also inspected customs facilities and found that chainsaws were being used to examine, and thus destroy, cargo.

In none of these cases were the owners compensated for the damage to their cargo. That's because customs officials are exempted from the Federal Torts Claims Act and have no independent authority to settle claims for damage.

The Subcommittee on Oversight described these cases and made recommendations to Customs in a 1990 report. The Customs Commissioner has already made great efforts in implementing some of the subcommittee's recommendations to reduce such negligent behavior. However, the bottom line is that it is hard to maintain both vigilance and care when there is no liability for failure to do so. H.R. 2731 will provide authority to make right the wrongs that are bound to occur under those circumstances. I urge your support.

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Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT], who first brought this matter to our attention in his advocacy of the bill to a constituent of his who had encountered some difficulty.

Mr. BENNETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2731, a bill to allow the Secretary of the Treasury to settle modest claims for damages resulting from law enforcement activities of the Customs Service.

My strong support for this legislation is based on the experience of a constituent of mine, Craig Klein, which I will outline and which clearly illustrates the need for correcting the current law.

Mr. Klein, a man of modest means, always dreamt of owning a sailboat. After many years of scrimping and saving, and doing without, Mr. Klein, with the help of a bank loan, was finally able to acquire a used sailboat, which he named *Pegotty*. Before the boat was ever delivered to him, it was boarded by customs officials who literally destroyed the boat in a search that did not produce any trace of illegal drugs.

This incident happened in early 1989 shortly after Mr. Klein purchased his sailboat from a boat dealer in St. Petersburg, on the west coast of Florida. In April 1989, Mr. Klein hired a captain and first mate to pilot *Pegotty* from St. Petersburg on Florida's west coast, across the State to Jacksonville on the east coast.

From 7 p.m. on April 9 until 2 a.m. on April 10, *Pegotty* was detained by Customs officials due to a misunderstanding concerning the *Pegotty*'s registration numbers. During the course of a search, customs inspectors tore the boat apart, pulled out cushions and tore them apart, and drilled multiple holes in the boat in a vain search for drugs. Customs' own records report that no drugs were found. As a result of customs actions, the *Pegotty* was rendered unseaworthy.

The customs officials caused several thousand dollars of damage to the boat in the futile search, then essentially said "Oops, nothing here," and walked away leaving Klein with a boat full of holes, and worthless for sailing. At this point he had not yet even had the pleasure of sailing it.

Klein went to several lawyers with his story, all of them sympathized with his problem but told him that because of the Federal Tort Claim Act he had no recourse. None. He made contact with six lawyers, all of whom told him that it would take at least $25,000 to prosecute the claim, while further advising him that because he was unlikely to prevail they would not handle the case on a contingency fee basis. Even more unfortunate is the fact that the Customs Service admitted that restitution should have been made at the time of the incident, but didn't make the restitution. After Klein had exhausted all other means of seeking redress in this matter, he brought this matter to my attention.

After hearing the merits of the case, I introduced a private relief bill to assist Mr. Klein. Chairman FRANK heard the testimony concerning the facts surrounding this incident and promptly introduced this bill, H.R. 2731, to make sure that this miscarriage of justice does not continue to be in our laws.

All of you know me, and know that I am regarded as a fiscal conservative. You also know that I am a strong supporter of the war on drugs. Yet, I believe when a wrong is committed that it must be righted, and I encourage you to support H.R. 2731 to right this wrong.

This modest legislation is designed to ensure that others do not experience the nightmare that Klein went through.

Mr. FRANK of Massachusetts. Let me just say, Mr. Speaker, at this point I do not want my subcommittee to be laggard, so before yielding back the balance of my time, I would like to thank anybody who could conceivably have had anything to do with this.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 2731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend section 3724 of title 31, United States Code, to extend to the Secretary of the Treasury the authority to settle claims for damages resulting from law enforcement activities of the Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, or the United States Secret Service.".

A motion to reconsider was laid on the table.

ASSASSINATION MATERIALS DISCLOSURE RESOLUTION OF 1992

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 454) to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy, as amended.

The Clerk read as follows:

H.J. RES. 454

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Assassination Materials Disclosure Resolution of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Legitimate confidentiality concerns based upon national security, personal privacy, law enforcement, and other recognized interests diminish over time.

(2) There is a compelling public interest that all government records be eventually made available to the public.

(3) There is a compelling public interest that all materials concerning the assassination of President John F. Kennedy be made available to the public at the earliest possible date.

(4) Executive Order 12356, National Security Information, as implemented by the executive branch, has precluded the timely release of materials relating to the assassination of President Kennedy.

(5) Section 552 of title 5, United States Code (popularly known as the "Freedom of Information Act"), as implemented by the executive branch, has failed to secure the timely release of materials relating to the assassination of President Kennedy.

(6) The President's Commission on the Assassination of President Kennedy and the President's Commission on CIA Activities in the United States were Federal agencies whose records are subject to Federal records laws.

(7) Only in the rarest cases is there any legitimate need for continued secrecy or classification of materials relating to the assassination of President Kennedy.

(8) The legitimacy of any government in a free society depends on the consent of the people.

(9) The ability of a government in a free society to obtain the consent of the people is undermined to the degree that the people do not trust their government.

(10) The disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy will contribute to the trust of the people in their government.

(b) PURPOSE.—The purpose of this joint resolution is to make available to the public all materials relating to the assassination of President Kennedy at the earliest possible date.

SEC. 3. DEFINITIONS.

For the purposes of this joint resolution:

(1) The term "Archivist" means the Archivist of the United States.

(2) The term "assassination material"—

(A) means any record that is determined by the Review Board under section 6(b) to be an assassination material; and

(B) does not include any item donated by the family of President Kennedy to the National Archives pursuant to the deed of gift dated October 29, 1966.

(3) The term "Collection" means the President Kennedy Assassination Materials Collection established under section 4.

(4) The term "Court" means the division of the United States Court of Appeals for the District of Columbia Circuit established under section 49 of title 28, United States Code.

(5) The term "custodian of records" means—

(A) the Committee on House Administration of the House of Representatives, for records of the House Committee;

(B) the Select Committee on Intelligence of the Senate, for records of the Senate Committee;

(C) the Archivist of the United States, for records of the President's Commission on the Assassination of President Kennedy and records of the President's Commission on CIA Activities in the United States; and

(D) the executive branch official designated by the head of an executive agency, for each executive agency which has any record of an official investigation in its possession.

(6) The term "executive agency"—

(A) has the meaning given to the term "agency" by sections 551(1) and 552(f) of title 5, United States Code; and

(B) includes the Executive Office of the President, the Executive Office of the Vice President, and all components thereof.

(7) The term "Executive Director" means the Executive Director of the Review Board appointed under section 10(c).

(8) The term "House Committee" means the Select Committee on Assassinations of the House of Representatives.

(9) The term "National Archives" means the National Archives and Records Administration and all components thereof, including the Presidential Libraries.

(10) The term "originating body" means the executive agency, Presidential commission, or Presidential or Congressional committee that created a record or obtained a record from a source other than another entity of the Federal Government.

(11) The term "public interest" includes the compelling public interests found by the Congress in section 2(a)(2) and (3).

(12) The term "record" includes—

(A) a document, book, paper, map, or photograph;

(B) machine readable, computerized, digitized, or electronic information, regardless of the medium on which it is stored; and

(C) any other documentary material, regardless of its physical form or characteristics.

(13) The term "record of an official investigation"—

(A) means any record that was created, obtained, or generated by—

(i) a review of the assassination of President Kennedy conducted by any of—

(I) the President's Commission on the Assassination of President Kennedy (popularly known as the Warren Commission);

(II) the Federal Bureau of Investigation;

(III) the Secret Service;

(IV) the Central Intelligence Agency;

(V) the President's Commission on CIA Activities in the United States (popularly known as the Rockefeller Commission);

(VI) the Senate Committee; and

(VII) The House Committee;

(ii) any activity conducted by an executive agency in support of a review or activity described in subparagraph (A); and

(iii) any other activity determined by the Review Board to be relevant to the assassination of President Kennedy; and

(B) includes any record that the Review Board determines relates in any manner or degree to the assassination of President John F. Kennedy, that was created, obtained, or generated by an executive agency.

(14) The term "Review Board" means the Assassination Materials Review Board established by section 10(a).

(15) The term "Senate Committee" means the Select Committee to Study Governmental Operations With Respect to Intelligence Activities of the Senate.

SEC. 4. PRESIDENT KENNEDY ASSASSINATION MATERIALS COLLECTION.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this joint resolution, the Archivist shall establish in the National Archives a collection which shall be known as the "President Kennedy Assassination Materials Collection".

(b) CONTENTS.—The Collection shall consist of—

(1) all records transferred under section 5(a)(1);

(2) all assassination materials transferred under section 5(c);

(3) determinations and recommendations submitted under section 6(f);

(4) all statements submitted under section 7(c)(2);

(5) all summaries transmitted under section 7(d); and

(6) such other records relating to the assassination of President Kennedy as the Archivist considers appropriate.

(c) PUBLIC AVAILABILITY.—The Archivist shall make available for public inspection and copying all records in the Collection.

(d) PRINTING AND DISSEMINATION OF ASSASSINATION MATERIALS.—

(1) SELECTION.—The National Historical Publications and Records Commission shall promptly provide for the selection and preparation for publication of materials in the Collection that are of broad historical interest.

(2) PRINTING AND DISTRIBUTION.—The Public Printer shall—

(A) make such materials available for distribution and sale under chapter 17 of title 44, United States Code;

(B) make such materials available through the Depository Library Program, under chapter 19 of title 44, United States Code; and

(C) in carrying out subparagraphs (A) and (B), use appropriate and cost-effective technology, including, to the extent practicable, publication of such materials in a multimedia electronic format.

SEC. 5. TRANSFER OR AVAILABILITY OF RECORDS OF OFFICIAL INVESTIGATIONS.

(a) EXECUTIVE AGENCY RECORDS.—

(1) TRANSFER TO ARCHIVIST.—The head of each executive agency may transfer to the Archivist for inclusion in the Collection each record of an official investigation for which the agency is a custodian of records.

(2) AVAILABILITY TO REVIEW BOARD.—On the date which is 60 days after the date of the enactment of this joint resolution, the head of each executive agency shall make available to the Review Board each record of an official investigation for which the agency is a custodian of records and which has not been transferred from the agency to the Archivist under paragraph (1).

(b) CONGRESSIONAL RECORDS.—Not later than 60 days after the date of the enactment of this joint resolution, the Archivist shall make available to the Review Board each record of an official investigation for which the Committee on House Administration of the House of Representatives or the Select Committee on Intelligence of the Senate is a custodian of records.

(c) OTHER TRANSFER OF ASSASSINATION MATERIALS.—The custodian of records for a record of an official investigation shall, after the date which is 30 days after the date of the receipt of a recommendation of the Review Board under section 6(b) with respect to the record and by no later than 60 days after that date of receipt, transfer the record to the Archivist for inclusion in the Collection if—

(1) the Review Board determines under section 6(b) that the record is an assassination material;

(2) the Review Board recommends under section 6(b) that the record should be transferred to the Archivist for inclusion in the Collection; and

(3) that transfer and inclusion is not postponed in accordance with section 7(b).

SEC. 6. REVIEWS BY REVIEW BOARD.

(a) REVIEWS OF TRANSFERRED MATERIALS.—The Review Board shall review—

(1) each record of an official investigation made available under section 5(a)(2) or (b); and

(2) all other records available to the Review Board that it has reason to believe are relevant to the assassination of President Kennedy.

(b) DETERMINATIONS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Upon completing a review under subsection (a) with respect to a record, the Review Board shall—

(A) determine whether the record is an assassination material; and

(B) in the case of an assassination material and based on the criteria set forth in section 7(a), submit to the custodian of records and, if different, the originating body for the material a recommendation that the record—

(i) should be transferred to the Archivist for inclusion in the Collection; or

(ii) qualifies for postponement under that section.

(2) CONTENTS.—Each determination and each recommendation of the Review Board shall—

(A) identify the record that is the subject of the determination or recommendation; and

(B) set forth the basis for the determination or recommendation.

(c) DETERMINATION OF ASSASSINATION MATERIAL.—The Review Board shall determine under subsection (b) that a record is an assassination material unless the Review Board determines by clear and convincing evidence that the record does not have any relevance to the assassination of President Kennedy.

(d) PRESUMPTION FOR TRANSFER.—The Review Board shall recommend under subsection (b)(1) that an assassination material should be transferred to the Archivist for inclusion in the Collection, unless there is clear and convincing evidence that the material qualifies for postponement under section 7(a).

(e) REVIEW OF PORTIONS THAT CAN BE SEGREGATED.—If the Review Board determines that an assassination material qualifies for postponement under section 7(a), the Review Board shall separately review and make final recommendations under this section with respect to any portion of the material that can be reasonably segregated.

(f) SUBMISSIONS TO ARCHIVIST.—The Review Board shall submit to the Archivist for inclusion in the Collection—

(1) each determination under subsection (b)(1)(A) that a record of an official investigation is not an assassination material; and

(2) each recommendation under subsection (b)(1)(B) that an assassination material qualifies for postponement.

SEC. 7. POSTPONEMENT OF TRANSFER OF ASSASSINATION MATERIAL.

(a) QUALIFICATION FOR POSTPONEMENT.—Assassination material qualifies for postpone-

ment under this subsection only if one or more of the following criteria are met:

(1) The threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public availability of the assassination material is of such gravity that it outweighs the public interest in disclosure of the assassination material, and such public availability would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method which is currently utilized or reasonably expected to be utilized by the United States Government and which has not been officially disclosed, and the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the public availability of which would demonstrably impair the national security of the United States.

(2) The public availability of the assassination material would disclose the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to such person.

(3) The public availability of the assassination material could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest in disclosure of the assassination material.

(4) The public availability of the assassination material would constitute an unjustified violation of an express, documented understanding of confidentiality between a Government agent and a cooperating individual or a foreign government.

(5) The public availability of the assassination material would disclose a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or another Government agency responsible for protecting Government officials, and that public availability would be so harmful that it outweighs the public interest in disclosure of the assassination material.

(b) POSTPONEMENT.—The transfer of assassination material to the Archivist for inclusion in the Collection shall be postponed for purposes of section 5(c)(3) notwithstanding any recommendation of the Review Board, if—

(1) in the case of assassination material for which the originating body is the Senate Committee, the Senate certifies that the material qualifies for postponement under subsection (a) by agreeing to a resolution to that effect—

(A) by a majority of members present and voting; and

(B) by not later than 30 days after the date on which the Review Board submits a recommendation under section 6(b) with respect to the material;

(2) in the case of assassination material for which the originating body is the House Committee, the House certifies that the material qualifies for postponement under subsection (a) by agreeing to a resolution to that effect—

(A) by a majority of members present and voting; and

(B) by not later than 30 days after the date on which the Review Board submits a recommendation under section 6(b) with respect to the material; and

(3) in the case of assassination material for which the originating body is an executive agency, the President certifies to the Review Board by not later than 30 days after the date on which the Review Board submits a recommendation under section 6(b) with respect to the material that the material qualifies for postponement under subsection (a).

(c) CERTIFICATION BY PRESIDENT.—

(1) AUTHORITY NONDELEGABLE.—The authority of the President to certify under subsection (b)(3) may not be delegated to any other person.

(2) STATEMENT.—If the President makes a certification under subsection (b)(3) for an assassination material, the President shall—

(A) submit to the Committee on House Administration of the House of Representatives, to the Select Committee on Intelligence of the Senate, and to the Archivist for inclusion in the Collection a written statement that—

(i) identifies the assassination material with specificity; and

(ii) sets forth the basis for the certification, including the criteria under subsection (a) under which the material qualifies for postponement; and

(B) publish the statement in the Federal Register by not later than 10 days after the date of that submission.

(d) SUMMARY OF POSTPONED ASSASSINATION MATERIALS.—The Review Board may, after consulting with the custodian of records and, if different, the originating body for an assassination material the transfer of which is postponed under this section, prepare and transmit a summary of the assassination material to the Archivist for inclusion in the Collection.

SEC. 8. MARKING AND REVIEW OF POSTPONED MATERIALS.

(a) MARKING.—The Review Board shall—

(1) mark any portion of assassination material that is not transferred to the Archivist for inclusion in the Collection pursuant to section 5(c), in accordance with a system of identification established by the Review Board; and

(2) append to that portion a statement of the Review Board designating a specified time at which, or a specified occurrence following which, the material shall be reconsidered for inclusion in the Collection pursuant to the criteria set forth in section 7(a).

(b) TRANSFER.—The Review Board shall transfer all assassination material marked under subsection (a), and all appendices thereto, to the Archivist.

(c) REVIEW.—The Archivist shall, by not later than the time or the occurrence specified under subsection (a)(2) for an assassination material—

(1) review the assassination material and any appendices thereto; and

(2) resubmit the assassination material to the Review Board, if it is still in existence, or to the originating body, if the Review Board has terminated.

SEC. 9. PUBLIC AVAILABILITY OF OTHER INFORMATION.

(a) MATERIALS UNDER SEAL OF COURT.—The Review Board may request the Department of Justice to petition, or through its own counsel may petition, any court in the United States or a foreign country to make publicly available any information relevant to the assassination of President Kennedy that is held under seal of the court.

(b) GRAND JURY MATERIALS.—

(1) PETITIONS.—The Review Board may request the Attorney General to petition, or through its own counsel may petition, any court in the United States to make publicly available any information relevant to the assassination of President Kennedy that is held under the injunction of secrecy of a grand jury.

(2) TREATMENT UNDER FEDERAL RULES.—A petition under this subsection is deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(c) AUTOPSY MATERIALS.—The Review Board shall, pursuant to the terms of the deed of gift dated October 29, 1966, seek access to the autopsy photographs and x rays donated to the National Archives by the family of President Kennedy. The Review Board shall, as soon as practicable, submit to the Speaker of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the status of those records and on access to those records by individuals consistent with the deed of gift.

(d) COOPERATION OF EXECUTIVE BRANCH.—

(1) ATTORNEY GENERAL.—The Attorney General shall assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury.

(2) SECRETARY OF STATE.—The Secretary of State shall, as soon as possible—

(A) contact the Government of the Republic of Russia and seek the public availability of all records of the Government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glavnoye Razvedyvatelnoye Upravleniye (GRU), that are relevant to the assassination of President Kennedy; and

(B) contact any other foreign government that may hold information relevant to the assassination of President Kennedy, and seek the public availability of such information.

(3) OTHER EXECUTIVE AGENCIES.—The head of each executive agency shall cooperate fully with the Review Board to seek the public availability of all information relevant to the assassination of President Kennedy.

SEC. 10. ASSASSINATION MATERIALS REVIEW BOARD.

(a) ESTABLISHMENT AND FUNCTIONS.—There is established as an independent agency a board which shall be known as the "Assassinations Materials Review Board". The Review Board shall perform such functions as are assigned to it by this joint resolution.

(b) APPOINTMENT.—

(1) IN GENERAL.—The Court shall, within 90 days after the date of enactment of this joint resolution, appoint, without regard to political affiliation, 5 distinguished and impartial private citizens to serve as members of the Review Board.

(2) VACANCIES.—A vacancy on the Review Board shall be filled in the same manner as the original appointment was made under paragraph (1).

(3) INFERIOR OFFICERS.—The members of the Review Board are deemed to be inferior officers of the United States within the meaning of section 2 of article II of the Constitution.

(4) CHAIRPERSON.—The members of the Review Board shall elect 1 of its members as chairperson at its initial meeting.

(c) EXECUTIVE DIRECTOR.—The Review Board shall appoint an individual of integrity and impartiality to serve as Executive Director of the Review Board.

(d) LIMITATION.—A person who is employed by the Government or who has been employed by any intelligence or law enforce-

ment agency of the United States Government, or who has had any involvement with any review referred to in section 3(13)(A)(i) or (ii) may not serve as a member of the Review Board or as the Executive Director.

(e) RECOMMENDATIONS.—Prior to appointing any person to be a member of the Review Board, the Court may solicit and consider the recommendations of diverse representatives of general and scholarly interest in assassination materials, including the American Political Science Association, the American Society of Newspaper Editors, the Organization of American Historians, the National Security Archive, the Organization of American Historians, the Society of American Archivists, the Association of American Publishers, the Center for National Security Studies, the American Historical Society, and the American Newspaper Publishers Association.

(f) COMPENSATION.—

(1) PAY.—Members of the Review Board and the Executive Director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—Members of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(g) REMOVAL.—

(1) IN GENERAL.—No member of the Review Board or the Executive Director shall be removed from office, other than for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's or Executive Director's duties.

(2) REPORT.—Within 10 days after any date on which a member of the Review Board is removed from office, the Court shall submit to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(h) OVERSIGHT.—The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board. The Review Board shall cooperate with the exercise of such oversight jurisdiction.

(i) SUPPORT SERVICES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide administrative and support services to the Review Board on a reimbursable basis, including office space and clerical and personnel support.

(2) DETAILS.—At the request of the Executive Director, the head of an executive agency shall detail employees of the agency to assist the Review Board in carrying out this joint resolution. Any employee detailed to the Review Board shall be detailed without reimbursement, and without interruption or loss of civil service status or privilege.

(3) SERVICES.—The Review Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(j) INTERPRETIVE GUIDELINES.—The Review Board may issue interpretive guidelines to assist in implementing the purposes of this joint resolution.

(k) TERMINATION.—

(1) IN GENERAL.—The Review Board shall terminate on the date which is 2 years after the date of the enactment of this joint resolution, except the Review Board may, by majority vote, extend its term for an additional 1-year period if it has not completed its work within such 2-year period.

(2) NOTICE OF TERMINATION.—At least 30 days before completing its work, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

(3) TRANSFER OF REVIEW BOARD RECORDS.—Upon its termination, the records of the Review Board shall be transferred to the Archivist in accordance with section 2107(2) of title 44, United States Code.

(l) ACCESS TO RECORDS.—

(1) ACCESS OF REVIEW BOARD AND EXECUTIVE DIRECTOR.—An executive agency shall upon request promptly provide to a Member of the Review Board, the Executive Director, or their designee, access to any record requested by the Review Board.

(2) MAINTENANCE OF CONFIDENTIALITY.—Any person who obtains access under this joint resolution to any record that is restricted by law for reason of national security or otherwise—

(A) shall maintain the same level of confidentiality for that record as is required of the head of the originating body for the record; and

(B) shall be subject to the statutory penalties for unauthorized disclosure or use that apply to officers and employees of the originating body for the record.

(m) POWERS.—The Review Board shall have authority to hold hearings, administer oaths, and subpoena witnesses and documents, and its subpoenas may be enforced in any appropriate Federal court by the Department of Justice acting pursuant to a lawful request of the Review Board.

SEC. 11. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—Any provision of this joint resolution that requires public availability of a record—

(1) shall take precedence over any other law (except paragraph (2)) that would otherwise prohibit such public availability, including any judicial decision, common law doctrine, Executive order, or executive agency regulation; and

(2) shall not apply to any record that is subject to a deed of gift governing access to, transfer of, or release of the record.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this joint resolution shall be construed to eliminate or limit—

(1) any right to file a request for an assassination material, with any executive agency other than the Review Board;

(2) any right to seek judicial review pursuant to section 552 of title 5, United States Code, of the decision of such an agency with respect to such a request; or

(3) any requirement that such an agency make available to the public in accordance with that section any assassination material.

(c) EXISTING AUTHORITY.—Nothing in this joint resolution revokes or limits any existing authority or obligation of the President, any executive agency, the Senate, the House of Representatives, or any other entity of the Federal Government, to make publicly available records in its possession, custody, or control.

SEC. 12. CONGRESSIONAL RULEMAKING AUTHORITY.

Sections 5(b) and 7(b)(1) and (2) are adopted—

(1) as an exercise of the rulemaking authority of the House of Representatives and the Senate; and

(2) recognizing the constitutional prerogative of each House of the Congress to modify its rules relating to the procedures of that House.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this joint resolution, to remain available until expended.

(b) INTERIM FUNDING.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes, and the gentleman from Connecticut [Mr. SHAYS] will be recognized for 20 minutes.

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

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

Mr. Speaker, I begin my discussion by pointing out that the assassination of President John F. Kennedy is a tragedy that touched all of us and that continues to be felt to this day. We lost a unique leader who brought a singular humanity and a lasting vision to American policy both at home and abroad. Indeed, the loss of John Kennedy's inspired leadership haunts America today, as his vision of common sacrifice for the common good is now far too often displaced by a cynical politics of self-interest.

Today, we consider House Joint Resolution 454, legislation which would publicly release the investigative files and other documents relating to the assassination. I would like to commend the gentleman from Ohio [Mr. STOKES], the former chairman of the House Select Committee on Assassinations, for his work on this resolution. It is time for the American people to have access to all the records and come to their own conclusions about what happened in Dallas on November 22, 1963.

Unfortunately, many suspect that the truth is being concealed, and the only way to put these concerns to rest is to open the files, now.

The violent circumstances of the murder of President Kennedy and the death of the accused assassin, Lee Harvey Oswald, almost immediately after his apprehension, profoundly shocked the American people. Although the Warren Commission concluded that Oswald, acting alone, was solely responsible for the death of President Kennedy, many have questioned this con-

clusion from the day it was first made public.

After the Watergate break-in, CIA operatives were accused of having a hand in the death of President Kennedy. This allegation was probed and rejected in 1975 by the Rockefeller Commission, a body appointed by President Ford to investigate CIA activities in the United States.

Shortly thereafter, the Senate Intelligence Committee, chaired by Frank Church, disclosed that the CIA had engaged in efforts to assassinate Fidel Castro and other foreign leaders in the early 1960's. In 1976, the Church committee further reported that information relating to these plots had been concealed from the Warren Commission.

Later in 1976, the House of Representatives established a Select Committee on Assassinations to reopen the investigation of the assassinations of President Kennedy. Chaired by LOUIS STOKES, that committee concluded in its 1979 report that there was substantial evidence that Oswald had not acted alone.

Nearly 30 years after the President's death, there are hundreds of thousands of pages of documents relating to the assassination that are still secret. These include the files of executive branch agencies, such as the Warren Commission, the Rockefeller Commission, the FBI, and the CIA, as well as those created by congressional investigations, such as the Senate's Church committee and the House Assassinations Committee.

Only 5 percent of the CIA files have been released under the Freedom of Information Act. None of the files from the Rockefeller Commission, the Church committee or the House Select Committee on Assassinations has been released.

The time has come to end this unnecessary and destructive secrecy. Most of these records relate to events that transpired nearly 30 years ago. It is difficult to imagine any legitimate national security reason to keep them secret any longer. Yet, under current law, many of these materials will still be hidden from public view until the year 2029.

House Joint Resolution 454 would end a pattern of secrecy which fuels the public doubts about the assassination of President Kennedy. There is a simple principle that should guide us all in considering this legislation—if there is nothing to hide, open up the files In events of this magnitude, continued secrecy is the most damaging course.

House Joint Resolution 454 establishes a moderate and balanced mechanism for releasing these documents. This legislation accommodates any legitimate security needs and ensures an independent review of such claims, while mandating prompt release of all records.

Let me explain briefly how this will all work.

First, the resolution establishes a President Kennedy materials collection at the National Archives. This will be a central repository for all Kennedy assassination records so that historians, authors, and journalists will not have to chase all over town for these records. They will all be in one place.

Second, the resolution creates an independent review board of five members to review all records of both the Congress and the executive agencies that are related to the assassination, and to make these records available to the public as soon as possible. The review board, which will be appointed by the judicial branch, must operate under the assumption that all such records are to be made public, unless some very limited conditions exist.

These conditions are narrowly drawn and include, for example, the identification of a person whose life would be endangered and the disclosure of a secret intelligence source. In any case, the resolution provides that as much of these records as possible must be released, even if that means simply deleting the person's name.

This amendment refines the resolution as introduced and retains its purpose and thrust. The most significant change is to the standards the review board must rely on for postponing the release of records. The amendment makes them more specific than those in the original resolution.

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

Mr. Speaker, I rise in support of this resolution to provide for the expeditious disclosure of records relating to the assassination of President John Kennedy. I rise in full support, with one reservation, and it is a reservation shared by the other Republicans on the committee and by the ranking member.

We believe there should be full and complete disclosure, as outlined in the resolution, but we take exception to the provision in the resolution that mandates that the courts appoint the members to the assassination review board instead of the President. We think it should be the President who makes these appointments.

The Committee on Government Operations agrees and reported the bill out assigning that task to the President, as has the Senate of the United States. The bill has been well outlined by the fine chairman of the committee, the gentleman from Michigan [Mr. CONYERS]. We support the bill. We hope that change will be made to allow that the President make those appointments.

Mr. Speaker, I yield such time as he may consume to the ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased that we have the opportunity today to consider House Joint Resolution 454, the Assassination Materials Disclosure Resolution of 1992.

The assassination of President John F. Kennedy traumatized our Nation and left those of us who lived through that time with feelings of shock, sadness, and anger. Although more than 28 years have passed since those terrible events, we struggle to this day to understand what happened in Dallas.

Major investigations have added volumes of documentation to the public record, but the fact that extensive materials remain publicly unavailable leads millions of Americans to ask whether important information is being concealed. Public cynicism toward government can only be tempered by disclosure. We need to facilitate a prompt disclosure of assassination related materials to resolve doubts about the integrity of our governmental institutions and shed new light—if possible—on the circumstances that led to the commission of a heinous crime.

Passage of House Joint Resolution 454 in this body will bring us an important step closer to enactment of disclosure legislation during the current Congress. Once the House acts favorably, we can focus our attention on resolving an important difference between House Joint Resolution 454 and its Senate-passed counterpart, S. 3006. The issue relates to the appointment process for members of the Assassination Materials Review Board. House Joint Resolution 454's provision for judicial appointment of Board members raises constitutional concerns—in contrast to S. 3006's provision for appointment by the President with the advice and consent of the Senate. Although the House Committee on Government Operations wisely provided for Presidential appointment with Senate confirmation, the substitute before us today takes the questionable court appointment approach. The prudent course, in my view, is to opt for the Senate version on appointments and avoid a serious potential legal challenge to this legislation.

The Department of Justice pointed out in testimony submitted to the Judiciary Committee's Subcommittee on Economic and Commercial Law: "It would not be unreasonable to conclude that there is indeed an incongruity between normal judicial functions and the appointment of the Board members because judicial panels and judges do not ordinarily determine who will decide to release confidential executive branch materials." Congress need not—and cannot—definitively resolve the constitutional question. The important point is that we want the process of releasing Kennedy assassination-related documents to go forward expeditiously.

We need not face the serious risk that the Assassination Materials Review Board will be unable to function because of the potential for successful litigation.

We rely all the time on individuals appointed by the President with the advice and consent of the Senate to adjudicate disputes between citizens and the Federal Government and to resolve issues involving our most precious rights and liberties. The safeguards inherent in the involvement of both the executive and legislative branches in the appointment process—which have served our country so well for 200 years—will work well in the context of this legislation. By continuing to rely on our system of checks and balances, we can be confident appointments will pass constitutional muster.

I urge my colleagues to support House Joint Resolution 454 as we anticipate further efforts to improve the final version of this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES], former chair of the House Select Committee on Assassinations.

Mr. STOKES. Mr. Chairman, I thank the distinguished chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS], for yielding this time to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 454, the Assassinations Disclosure Act of 1992, legislation I introduced in March of this year. I want to recognize several individuals for providing the leadership to bring this bill before the House today.

Let me first commend the distinguished chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS], for the extraordinary efforts his committee undertook in deliberating on this legislation. I also want to commend the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on the Judiciary, for the work put forth to move this legislation through his committee. The gentleman from Massachusetts [Mr. MOAKLEY], the distinguished chairman of the Committee on Rules, and the gentleman from North Carolina [Mr. ROSE], the distinguished chairman of the Committee on House Administration, are also to be complimented for their strong efforts to assist in the enactment of this measure. I want to thank each of them for the many courtesies each of them extended to me.

Mr. Speaker, it gives me great pleasure to stand before this body in support of this resolution that my staff and I began to draft nearly 8 months ago. Little did I expect that this issue would draw so much interest, elicit so much controversy and demand such a tremendous amount of time from so many different committees, offices and Federal agencies. I am certain that these distinguished chairmen under whose jurisdiction this bill falls would also echo this sentiment. And while for them this measure culminates many months of intense debate, for me, it represents work that I began nearly 16 years ago when I chaired the House Select Committee on Assassinations.

I want to express my appreciation to Speaker FOLEY who from the very beginning supported my desire to prepare and introduce this joint resolution authorizing the release of all Kennedy assassination documents, with few exceptions. And I cannot go without expressing my deep gratitude to Prof. G. Robert Blakey of Notre Dame University Law School, the former counsel of the House Select Committee on Assassinations, who spent long hours and endless telephone calls working closely with all parties involved over this time period. He contributed his services pro bono.

In addition, a great deal of appreciation goes to all the staff of the House Committee on Government Operations, Committee on the Judiciary, Committee on Rules, and Committee on House Administration who along with my staff poured over documents and hammered out a compromise to bring this resolution to the floor.

Mr. Speaker, as you know, the House Select Committee on Assassinations was constituted on September 17, 1976, during the second session of the 94th Congress, 13 years after the death of President Kennedy. Its original chairman was Thomas N. Downing, who retired at the end of that Congress. The committee was re-created on February 2, 1977, during the 95th Congress, with Congressman HENRY GONZALEZ appointed as its new chairman. Shortly thereafter, he resigned the chairmanship and, on March 8, 1977, I was appointed to chair the Select Committee on Assassinations.

Under the House resolution that created the Select Committee on Assassinations, we were authorized and directed to conduct a full and complete investigation surrounding the assassination and death of President John F. Kennedy. When the committee completed its work, we released 12 volumes of information regarding our investigation, which were available to the American public. The committee in the course of its investigation had at one time or another in its possession, 848 boxes of files which included classified and unclassified materials on loan from Federal agencies, materials generated by committee staff, materials on loan from private citizens, transcripts of committee open session hearings and meetings, and from executive session hearings and meetings. These materials are well-organized with an extensive card index to individual documents in the National Archives.

The committee also conducted approximately 18 days of public hearings from August through September 1978, as well as 2 days of public policy hearings. During the public hearings, the committee received evidence on the issues we had identified to fulfill the legislative mandate. Our committee completed its investigation on March 29, 1979, and filed a final report with the House of Representatives. Prior to the committee running out of both time and money, we released everything we had the time and resources to release. All of our other records were placed in the National Archives under a House of Representatives rule (rule XXXVI) requiring such unpublished records routinely to be sealed for 30 to 50 years.

In addition to the records of the Select Committee, there are mounds of materials held by Federal agencies relating to the assassination. This includes 363 cubic feet of material from the Warren Commission, 5,000 papers from the Church Committee, nearly half a million pages of documents from the FBI, another 250,000 to 300,000 pages from the CIA, 11,000 pages of documents from the Secret Service, 65,000 pages from the Department of Justice, and 7,000 pages from the State Department.

Because many of the records pertaining to the death of President Kennedy are not available to the public, there have been allegations that these records contain evidence of a government coverup. I can assure my colleagues that nothing could be further from the truth. For this reason, I felt compelled to introduce this resolution to put to rest these unfounded allegations and release all records on the assassination. This way the American public can ascertain fact from fiction surrounding the circumstances of this tragic event.

Needless to say, dealing with such voluminous numbers of records from so many security-conscious Federal agencies, greatly complicated the various committees' markup efforts. We seemed to have encountered as many diverse opinions as there were records. But because my colleagues share the same commitment as I do about the importance of enacting this legislation, we have finally arrived at a measure that reflects the views of all parties concerned.

Mr. Speaker, House Joint Resolution 454 in my opinion balances the need for full disclosure with the interest of privacy and other concerns, while at the same time providing a structure that would dispel any notion of a government coverup of pertinent information regarding the assassination of this great President. So as to dispel any notion of impropriety in releasing these files, this legislation creates a review board which is to be appointed by the courts. This appointment process establishes a neutral body, unprejudiced by political persuasions, for these deliberations.

Moreover, House Joint Resolution 454 requires a strong presumption in favor of disclosure, whereby all records will be released unless there is clear and convincing evidence that postponing release is essential to a vital interest. There is a balancing process established for applying disclosure standards, weighed against the strong and compelling public interest in disclosure. Furthermore, Mr. Speaker, we recognized that the executive branch might have concerns relative to disclosure, and established specific standards pertinent to records in its possession.

I am also especially pleased that this bill would authorize the release of electronic surveillance tapes gathered by Federal agencies. Included in these tapes are recorded conversations of Mafia leaders relating to the possible assassination of the President. Since many still believe that the Mafia had the motive and means to participate in the assassination, persons interested in further investigating this issue will be able to access and analyze this wiretap-obtained information for themselves.

Mr. Speaker, this bill does not completely satisfy any and all concerns relative to the release of these documents, however, I am proud that we have developed a good piece of legislation, forged by a broad range of interested parties, and the bottom line is that documents and materials sealed and unavailable are now being released to all Americans.

I urge my colleagues to join with us today in support of House Joint Resolution 454. The American public has asked our leadership on this issue and we must act today to assure the public that their government had no complicity in the assassination of their President and that they have been given access to all of the information known to their government relative to the assassination.

□ 2000

Mr. SPEAKER, I close in commending once again the distinguished chairman, the gentleman from Michigan [Mr. CONYERS], for the extraordinary work he has done on this legislation.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. GONZALEZ], the distinguished chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. Mr. Speaker, I, in turn, wish to thank the gentleman from Michigan [Mr. CONYERS] for his generosity in view of the fact that I rise in opposition to this resolution in its present form and do so most reluctantly because of the very high esteem and affection that I have have had all the years that I have known him, this distinguished chairman. But I am impelled to do so by the flawed construction of this resolution. It is certainly far from my intention to obstruct in any way release of records. In fact, I have been adamantly insisting that we release them. I believe that the authority to review though and make that determination on the records of the House of Representatives should remain the prerogative of the membership of the House.

When I first learned last January that the records has been sealed on these proceedings, Mr. Speaker, I felt that this was an act that was abhorrent to the open processes of Congress. Thus I introduced a resolution calling for complete and immediate repeal of that act. My resolution is a simple resolution requiring approval by only a majority of the House. No other body is involved. This is as I believe it should be.

To my horror, when I secured a copy of House Joint Resolution 454 earlier today, I learned that the House documents would be lumped together with executive branch and other documents for review by an extra congressional body. This is wrong as it impinges on the separateness and independence of Congress. The House should never have sealed its assassination records, but it should not compound this problem now by allowing a body from outside of Congress to make determinations on its own records.

Mr. Speaker, the resolution being considered today calls for the creation of a commission of private citizens, appointed by the U.S. Court of Appeals for the District of Columbia—which itself is a body of Presidential appointees who have been confirmed by the Senate. Thus, there are no House Members involved in any way in the composition of this review commission or in the appointment of its members. As it has so many times this year, the House is once again relinquishing its coequality by allowing decisions over its records to be made by the President, the President's appointees, or others outside of Congress. This weakens the separation of powers that has kept our Nation strong for over 200 years, and of course I rise in strong dissent for that reason to this resolution, acting, as it does, contrary to the U.S. Constitution and to its constitutional mandates.

Mr. Speaker, I once again thank the gentleman from Michigan [Mr. CONYERS] for having yielded this time to me.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Speaker, I rise in support of the bill, House Joint Resolution 454, the Assassination Materials Disclosure Act of 1992. I joined Congressman STOKES as a cosponsor of this bill because I firmly believe that the time has come to bring the Government's documents concerning the Kennedy assassination into the sunshine. Under current law this material may not be released for many years, if at all. The gentleman from Michigan [Mr. CONYERS], chairman of the Committee on Government Operations, has done an outstanding job in bringing forth this resolution.

A large percentage of the Government's assassination-related documents are already available for public inspection. Unfortunately, some of those documents that should be in the public domain are still hidden away in the dark caverns of the Archives and other agencies. As a result, rumors, myths, fictionalized drama, and outright lies about the Government's involvement in the Kennedy assassination abound.

Enactment of House Joint Resolution 454 will not resolve all doubts regarding President Kennedy's assassination, but it will have the salutary goal of allaying the suspicion of Government coverup.

House Joint Resolution 454 provides for release of the Kennedy assassination material by an impartial review board, selected by a special division in the judicial branch. This process is very similar to the independent counsel selection procedure upheld by the Supreme Court as recently as 1988; and it is essential to avoid any appearance of conflict of interest that might arise if the appointment were made by either the President or the Congress.

Mr. Speaker, I urge all Members to join me in voting to make the Government's assassination materials available to the public.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume just to reiterate that we support this bill. We hope that the Senate version and the Government Operations version of the appointment of the assassination board will be made by the President. We look forward to the House passing this resolution.

Mr. HAMILTON. Mr. Speaker, I rise to speak in support of this important bill which would declassify information pertaining to the assassination of President John F. Kennedy. I am pleased to join with Chairmen STOKES, CONYERS, BROOKS, ROSE, MOAKLEY, and others as an original cosponsor of the bill. I hope that both houses of Congress will act swiftly to pass this bill and send it to the President, and that he will promptly sign it. The time has come to open the files and make public all the information we can about this tragic event in our Nation's history.

The bill before us today does several things. It would make public not only material from the House Select Committee on Assassinations, but also material from other agencies of government, including the Warren Commission, CIA, FBI, Justice Department, and other executive branch departments and agencies, as well as material from the Senate Church committee investigation. These include over 300,000 pages in the CIA files, and over 800,

boxes of material from the House select committee's investigation.

This bill mandates a comprehensive review of all federal Government records relating to the assassination of President Kennedy. It establishes an independent, impartial five-member review board to conduct this review. This bill appropriately provides an exemption for material which would infringe on an individual's privacy rights, or would compromise current intelligence sources or methods. Due care is taken to protect our national security interests, to adhere to our intelligence standards and to protect them. But the premise of the bill is in favor of the public's right to know, as it should be.

A number of recent polls have shown that approximately 75 percent of the American people believe that there was a conspiracy to assassinate President Kennedy. Of this number, about half believe that the CIA was involved in such a conspiracy. These are astonishing figures. We cannot remove all doubts about the institutions of our government with this—or any other—single bill, but we can take a step in the direction of openness.

I am not here to suggest that there was any conspiracy to assassinate President Kennedy. I simply do not know. My interest in this bill is to get as much information out into the public domain as we can, and let the debate go forward on the basis of as much factual information as possible—so that the debate about these events will not be encumbered with charges of a coverup. Sufficient time has now passed since 1963 that concerns which may have caused information to be withheld at that time should generally no longer be a consideration.

The worst thing we can do here in the Congress is to feed the cynicism that already exists by creating a perception that something is being concealed from the American people. We are in a climate of cynicism, and if information is withheld it only adds to that cynicism and lack of trust in government. This is one of many efforts that must be undertaken to restore public confidence in Congress and in our government.

The Kennedy assassination will be debated for centuries to come. It has been the subject of a remarkable film, "JFK," directed by Oliver Stone. While controversial, that film deserves much of the credit for the interest in this subject.

As with the assassination of President Lincoln, we may never know the full truth of these events. But the assassination of President Kennedy was an event of enormous importance in American history, and has been the focus of tremendous controversy. We need to make as much information public as we can, and then let the journalists, the scholars and the historians try to resolve the questions that remain, based on all the available information.

I would like to take this opportunity to commend our colleague, LOU STOKES, both for taking the lead in introducing this bill, and for his leadership in chairing the House Select Committee on Assassinations. Like many other assignments which he has taken on during his distinguished career, this was a difficult, controversial, and thankless task, and he performed it well.

I hope that the House will move to pass this bill promptly. I also hope that the House and Senate will quickly resolve their differences in conference, and send a final version to the President when we return in September. It is my hope that the President will sign this bill, and will not carry out his earlier threat of a veto. This bill is a step toward making our government more open and accountable, and will help the process of restoring the trust and confidence of the American people in the institutions of their government. I urge its adoption.

Mr. HORTON. Mr. Speaker, I rise in qualified support of this legislation. House Joint Resolution 454 provides for the release of archived materials relating to the assassination of former President John F. Kennedy.

Mr. Speaker, I was serving in Congress that fateful November day in 1963 when the world received the news about President Kennedy. It was a tragedy. It affected the course of history. It touched me personally, as it did every American citizen.

I served in Congress as the Warren Commission was established and as it conducted its review. I commend the Warren Commission for the work it did. Its members were dedicated public servants with a thankless task that required some very long and hard and difficult hours.

Questions have been raised about the findings of the Warren Commission by Hollywood and others, and these questions have fueled speculation about exactly what information is being archived and why. In some circles, the questions and speculation have turned to suspicion. The motives of members of the Warren Commission itself have been hypothesized. Certainly this is painful for many of us who lived through that difficult period, but I know it is especially painful for members of the Kennedy family. Before I made my decision to support opening the files I took the time to speak with members of the Kennedy family, and most especially with our own Joe Kennedy, the very able Congressman from Massachusetts and son of the very distinguished American Robert F. Kennedy, also, and sadly, the victim of an assassin's bullet.

The conclusion I have reached is that the matter needs to be put to rest, at least to the extent that it can be through the release of key files of the Warren Commission and other agencies. This conclusion, Mr. Speaker, is shared by the administration, by every witness that testified before our committee, indeed, by the American public.

On the release of those files, I want to commend my chairman, the gentleman from Michigan [Mr. CONYERS], for his efforts to review all of the parameters and problems associated with opening the archived files, and to fashion a bipartisan agreement that would facilitate this objective. He steered this legislation well.

However, once reported by voice vote from Government Operations, the careful compromise we reached with Republicans, Democrats, and the administration was changed. The Presidentially appointed Assassination Review Board which was carefully crafted after lengthy hearings, debate, and negotiation, has been changed to a review board that will be appointed by the U.S. Circuit Court of Appeals for the District of Columbia.

Mr. Speaker, I object to his last-minute change. I think it flies in the face of a careful agreement that Members of both sides of the aisle signed on to in development of this legislation. I think the agenda behind this change is larger than the issue at hand, and I will support in conference the Senate version of this legislation which provides for a Presidentially appointed board. This matter is a major concern. It needs to be addressed, but it is not my intention to delay this legislation now by trying to defeat it here today. It is time to move that which we have before us to conference where I hope this problem can be resolved so that, as was the case with the legislation reported from the Government Operations Committee, a bipartisan and administration supported solution is achieved.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 454, as amended.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. SENSENBRENNER. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of quorum is considered withdrawn.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M. ON FRIDAY, AUGUST 28, 1992, TO FILE INVESTIGATIVE REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m. on Friday, August 28, 1992, to file three investigative reports. This request has been cleared with the minority.

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

There was no objection.

DRUG AND ALCOHOL OFFENDERS TREATMENT ACT OF 1992

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4776) to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorizations of appropriations.

The Clerk read as follows:

H.R. 4776

Be in 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 "Drug and Alcohol Offenders Treatment Act of 1992".

SEC. 2. REAUTHORIZATION.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 is amended—

(1) by striking out "; and" and inserting a semicolon; and

(2) by striking the period at the end and inserting "; $50,000,000 for fiscal year 1993; $55,000,000 for fiscal year 1994; and $60,000,000 for fiscal year 1995.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

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

Mr. Speaker, the Drug and Alcohol Dependent Offenders Treatment Act of 1992, would authorize appropriations for the Federal substance abuse treatment program, known as the Drug Aftercare Program, for the next 3 fiscal years. The bill amends the contract services for Drug Dependent Federal Offenders Act of 1978, through which the Administrative Office of the United States Courts contracts for drug and alcohol testing and treatment for Federal offenders on postconviction release. The program provides court-ordered testing, treatment and counseling for needy Federal offenders on probation, parole and supervised release. Nearly 24,000 of the 82,500 Federal probationers, for example, participate in the program.

The need for this program is clear. The link between crime and drug and alcohol abuse is well-established. We must continue to provide this testing and treatment for these Federal offenders. In fact, the crime bill conference report pending in the Senate provides for an expansion of this program. The crime bill also has provisions for mandatory testing and treatment in the prisons that should be enacted. The authorizations in this bill take into account the increases in numbers of offenders in the program as well as increased costs associated with the program over the years.

This bill enjoys bipartisan support and was reported by the subcommittee on crime and criminal justice and judiciary committee by voice votes. I urge members to support it.

□ 2010

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

Mr. SENSENBRENNER. Mr. Speaker, H.R. 4776 reauthorizes appropriations for the Contract Services for Drug Dependent Federal Offenders Act of 1978 (Public Law 95-537). That Act authorizes the Administrative Office of the United States Courts to provide drug and alcohol testing and treatment for Federal offenders on probation, parole or supervised release. H.R. 4776 amends section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize an appropriation not to exceed $50 million for fiscal year 1993, $55 million for fiscal year 1994, and $60 million for fiscal year 1995. In 1989, Congress increased the funding authorization limits for the program to $30 million for fiscal year 1990, $40 million for fiscal year 1991, and $45 million for fiscal year 1992. Actual allocations for the last 5 years are as follows: In 1988, $17,500,000; in 1989, $19,750,000; 1990, $23,500,000; 1991, $28,750,000; 1992, $31,200,000. The current bill provides for authorization amounts more than double that of recent years. Specifically, authorizations will have increased from $3.5 million for fiscal year 1980 to $60 million for fiscal year 1995.

Perhaps the size and cost of the program have increased dramatically as the result of an increase in the size of the problem: there have been visible increases in the number of prosecutions of drug-related offenses as well as in the identification of substance abusers. There are currently 82,500 offenders under the supervision of the United States probation system, of which 23,689 have a drug or alcohol treatment condition. This represents a 60-percent increase since 1987. 54 percent of those with treatment conditions are in contract programs, and the remainder receive treatment directly from probation officers or community programs which do not receive contractual funds. U.S. probation offices presently have 802 contracts for treatment with various programs throughout the country.

On a more general level, this bill is consistent with the administration's comprehensive approach to battle illegal drugs on two fronts: Supply interdiction and drug treatment. The President has consistently shown a commitment to real drug treatment. With the President's leadership, Federal funding for substance abuse treatment has increased from $877 million in fiscal year 1989 to over $2.1 billion in the President's budget request for fiscal year 1993. If the President's fiscal year 1993 request is enacted, Federal spending on drug treatment will have increased by 142 percent since fiscal year 1989. The President's fiscal year 1993 budget request, if enacted, would provide treatment services for 1.9 million individuals, an increase of 19 percent since fiscal year 1989. Unfortunately, over the past three years, Congressional cuts in the President's drug treatment budget will have denied drug treatment to about 80,000 persons.

Likewise, the Administration supports the following initiatives: First, help States develop effective treatment programs through statewide treatment plans. Congress adopted this recommendation in the ADAMHA Reorganization Act—Public Law 102-321. Second, increase the number of drug treatment slots in areas where there is a shortage of treatment capacity. The administration's Capacity Expansion Program [CEP] was also adopted in the ADAMHA Reorganization Act. Third, give States the maximum amount of flexibility to design programs tailored to meet their specific needs.

While I have reservations about the large sums of money authorized in this bill and the significant increases in these amounts as compared to prior years, others on both sides of the aisle have noted that this is money well spent. That money spent on drug testing and drug treatment for our inmates helps to reduce recidivism and related monetary and non-monetary, human costs related to crime. An increased number of individuals incarcerated under the Federal system and/or on Federal probation or supervised release, an increasing percentage of Federal offenders having substance abuse problems, the increased cost of testing and treatment, and the positive effect treatment/testing has on reducing recidivism may justify some of these increases.

On April 30, 1992, the Committee on the Judiciary, by voice vote, a quorum being present, ordered the bill H.R. 4776, reported favorably without amendment. The Judicial Conference of the United States endorses this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker I am pleased to rise in support of H.R. 4776, the Drug and Alcohol Offenders Treatment Act, and I would like to commend the gentleman from New York [Mr. SCHUMER] for introducing this measure.

H.R. 4776 would authorize $50 million for fiscal year 1993, $55 million for fiscal year 1994, and $60 million in fiscal year 1995 for very worthy and much needed Federal substance abuse treatment programs.

The drug scourge in this country has claimed many victims. Our young people are being caught in the drug dealers' crossfire, our addicts are dying of overdoses, and innocent babies born addicted to crack cocaine are dying only after a few short hours of life.

We talk about ending the drug war and triumphing over the drug kingpins in foreign countries, but we won't win unless we can stop our citizens from using drugs. This important program set forth in H.R. 4776 provides counseling, residential treatment, psychological and vocational services to alcohol and drug addicted inmates after their release from custody.

Accordingly, I wholeheartedly support this measure and urge my colleagues to vote in favor.

Mr. SCHUMER. I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER]

for his remarks, which I agree with, and the gentleman from New York [Mr. GILMAN] for his remarks, and urge passage of the bill.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Drug and Alcohol Offenders Treatment Act of 1992.

This important piece of legislation will allow the administrative Office of the U.S. Courts to continue drug and alcohol testing of Federal offenders on probation, parole or supervised release.

Studies show that released offenders who use drugs return to prison far more often than those who stay clean. Recidivist offenses must come to an end, and drug testing and treatment are the best ways to correct this problem.

Last year, during consideration of the crime bill by the Judiciary Committee, I offered an amendment that required drug testing as a condition of postconviction release for certain Federal offenders. With the support of the distinguished crime subcommittee chairman, Mr. SCHUMER, this amendment was included in the House crime bill.

Unfortunately, the crime bill is unlikely to see further action this year. That is why it is so vitally important that the House pass H.R. 4776, to ensure that the important practice of drug testing Federal offenders continue.

For these reasons, I support H.R. 4776, and encourage my colleagues to pass this legislation today.

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

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 4776.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, 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. 5487) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1993, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 2, 4, 7, 8, 15, 16, 18, 19, 24, 35, 47, 67, 69, 74, 80, 98, 99, 101, 106, 119, and 120, to the above-entitled bill.

EXTENDING SERVICE OF MEMBERS OF THE U.S. SENTENCING COMMISSION

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1963) to amend section 992 of title 28, United States Code, to provide a member of the U.S. Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress.

The Clerk read as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENDED SERVICE OF MEMBERS OF THE SENTENCING COMMISSION.

Section 992(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Subject to paragraph (2)—

"(A) no voting member of the Commission may serve more than two full terms; and

"(B) a voting member appointed to fill a vacancy that occurs before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of such term.

"(2) A voting member of the Commission whose term has expired may continue to serve until the earlier of—

"(A) the date on which a successor has taken office; or

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

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

Mr. Speaker, this bill passed the Senate earlier this year by unanimous consent and was reported by the Subcommittee on Crime and Criminal Justice and the Judiciary Committee by voice votes. It amends the statute establishing terms of voting members of the U.S. Sentencing Commission to permit a commissioner whose term has expired to continue to serve until a successor has been appointed, up to the end of the next session of Congress. Unlike other statutes governing terms of members of the FTC, ICC, and FCC, for example, the Sentencing Commission statute presently contains no authorization for a commissioner whose term has expired to continue in office until a successor is appointed.

This is not a hypothetical situation. The Commission has faced periods during which it had only four voting members and, since four votes are needed to take any action, much Commission work had to be deferred.

This bill alleviates that problem. It is noncontroversial and I ask for Members' support.

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

Mr. Speaker, this legislation corrects what appears to be an omission in the Sentencing Reform Act of 1984, the organic legislation that established the Sentencing Commission as an independent, permanent body in the judicial branch of Government. Unlike the organic statutes for other permanent commissions in the executive branch, such as the FTC, ICC, FCC, and Consumer Product Safety Commission, the Sentencing Commission statute does not address the situation where a term of a Commission member has expired before a successor has taken office.

This legislation amends the statute setting forth terms of the voting members of the U.S. Sentencing Commission to permit a Commissioner whose term has expired to continue to serve until his successor is appointed. As a safeguard against indefinite holdover appointments, however, the legislation provides that a Commissioner may not continue to serve beyond the end of the next session of Congress following the session in which the term expires.

This omission is compounded by the requirement that sentencing guidelines be promulgated or amended with the support of at least four of the seven authorized voting members of the Commission. When there is less than a full complement of sentencing commissioners, the work of the Commission may be impaired.

In 1989–90, the Commission was forced to operate approximately 7 months with only four voting members. During that period, a number of proposed guidelines and amendments had to be deferred, either because complete unanimity among the remaining four Commissioners could not be achieved or because active Commissioners felt that it would be inappropriate to act on major new proposals in the absence of a full complement of Commissioners. Similar difficulties occurred toward the end of last year.

The Commission should be able to act in a timely fashion regarding new case law interpreting the guidelines, new legislation in the sentencing area—a great deal of which is now pending—and new insights into guideline application gleaned through the Commission's case monitoring unit.

The work of the Commission is particularly important in our Nation's battle against crime. This bill passed the Senate by unanimous consent on January 31, 1992.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the Senate bill, S. 1963.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

USE OF COPYRIGHTED UNPUBLISHED WORKS

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4412) to amend title 17, United States Code, relating to fair use of copyrighted works, as amended.

The Clerk read as follows:

H.R. 4412

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 adding at the end the following: "The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.".

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The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

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

Mr. Speaker, H.R. 4412 amends the fair use provisions of the copyright law with respect to unpublished works. At the urging of historians, biographers, and publishers that decisions from the U.S. Court of Appeals for the second circuit were hampering their use of unpublished letters, diaries, and other materials, bills were introduced in the 101st and 102d Congresses. Joint hearings were held with the Senate in 1990. The Subcommittee on Intellectual Property and Judicial Administration, which I chair, held two hearings in 1991.

The fair use doctrine is codified in section 107 of the Copyright Act. Fair use is a judicial doctrine, and is intended to be applied in a flexible manner, based on the particular facts before the court. Fair use is an exception to the general rule that one may not use substantial parts of a copyrighted work without the permission of the copyright owner. The exception exists so that biographers, historians, teachers, drama critics, news reporters, and others may utilize portions of the copyrighted work for purposes of criticism and comment.

The concerns which prompted this legislation grew out of two decisions in the second circuit which suggested that the circuit was reading into the doctrine a degree of rigidity never intended by the Congress. The purpose of the bill is restore the desired flexibility to fair use. H.R. 4412 is straightforward legislation addressed to a specific problem.

H.R. 4412 accomplishes its purpose by adding a single sentence at the end of section 107 of title 17:

> The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

This language will clarify the intent of Congress that there be no per se rule barring the affirmative defense of fair use of unpublished works. The courts are directed to evaluate the defense by considering all the facts in a case according to all four statutory fair use factors and any others found relevant.

It is not, however, the intention of the Congress to direct the courts how much weight to give to any one factor in any particular case, nor to overrule or diminish in any way the Supreme Court's decision in Harper & Row, Publishers versus Nation Enterprises. Each factor should be separately weighed and then evaluated as a whole in conjunction with all the other factors. This totality approach is at the heart of the equitable rule of reason that characterizes the fair use defense.

H.R. 4412 should allay the concerns of some authors and publishers that they are absolutely prohibited from using any unpublished, copyrighted material for biographical or historical purposes. I urge your support of this modest but important legislation.

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

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 4412 relating to the fair use of unpublished works. The purpose of H.R. 4412 is to clarify the intent of Congress that there be no per se rule barring claims of fair use of unpublished works. This legislation represents the culmination of work begun last Congress by the Subcommittee on Intellectual Property and Judicial Administration on the fair use issue. To his credit the chairman of the subcommittee, the distinguished gentleman from New Jersey [Mr. HUGHES], took the time to schedule 2 days of very thorough hearings on this issue earlier this Congress and as a result I believe that we now have a better bill. I would like to commend the gentleman from New Jersey [Mr. HUGHES] for his diligent work on this issue as well as the members of the subcommittee for their excellent work on the issue.

During our hearings it was suggested that the second circuit in Salenger versus Random House, Inc., and the New Era Publications, International Aps versus Henry Holt & Co. had not absolutely barred the fair use defense in the unpublished works context. But in my opinion this misses the point, which is whether or not the courts language has had a chilling effect on the production and publication of the works of historians, biographers, and journalists.

Evidence was presented at our hearings that reasonable attorneys because of the specter of the second circuit decisions are routinely advising publishers from relying on a fair use defense when they are dealing with unpublished works. As a result, the public is being denied access to the raw materials that are the lifeblood of these authors. Therefore, I believe it is appropriate for Congress to intervene in this instance in an effort to restore the appropriate balance between the effected parties by clarifying that the fact a work is unpublished should continue to be only one of several considerations that courts must weigh in making fair use determinations.

The House Report on H.R. 4412 makes it clear that:

> The purpose of H.R. 4412 is to clarify the intent of Congress that there be no per se rule barring claims of fair use of unpublished works. Instead, consistent with Congress' codification of fair use of unpublished works on a case-by-case basis, after consideration of all the factors set forth in section 107, title 17, United States Code, as well as other factors a court may find relevant.

It is not the intent of H.R. 4412 to in any way broaden the scope of fair use of unpublished works nor to overrule or modify the Supreme Court's decision in Harper and Row versus The Nation wherein the court set out general principles regarding the fair use of unpublished works.

Mr. Speaker, numerous parties have played important roles in crafting H.R. 4412. They include representatives of author's groups, book and magazine publishers, and the computer industry. They are all to be commended for their work on H.R. 4412 for which I urge my colleagues' support.

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 4412 relating to the fair use of unpublished works. The purpose of H.R. 4412 is to clarify the intent of Congress that there be no per se rule barring claims of fair use of unpublished works. This legislation represents the culmination of work begun last Congress by the Subcommittee on Intellectual Property and Judicial Administration on the fair-use issue. To his credit the chairman of the subcommittee, the distinguished gentleman from New Jersey [Mr. HUGHES], took the time to schedule 2 days of very thorough hearings on this issue earlier this Congress and as a result I believe that we now have a better bill. I would like to commend the gentleman from New Jersey [Mr. HUGHES] for his diligent work on this issue as well as the members of the subcommittee for their excellent work on this issue.

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House, Inc., and New Era Publications, International Aps versus Henry Holt and Co. had not absolutely barred the fair-use defense in the unpublished works context. But in my opinion this misses the point, which is whether or not the court's language has had a chilling effect on the production and publication of the works of historians, biographers, and journalists.

Evidence was presented at our hearings that reasonable attorneys, because of the specter of the second circuit decisions, are routinely advising publishers from relying on a fair-use defense when they are dealing with unpublished works. As a result, the public is being denied access to the raw materials that are the lifeblood of these authors. Therefore, I believe it is appropriate for Congress to intervene in this instance in an effort to restore the appropriate balance between the affected parties by clarifying that the fact a work is unpublished should continue to be only one of several considerations that courts must weigh in making fair-use determinations.

The House report on H.R. 4412 makes it clear that:

The purpose of H.R. 4412 is to clarify the intent of Congress that there be no per se rule barring claims of fair use of unpublished works. Instead, consistent with Congress's codification of fair use in the 1976 Copyright Act, the courts are to determine claims of fair use of unpublished works on a case-by-case basis, after consideration of all the factors set forth in Section 107, title 17, United States Code, as well as other factors a court may find relevant.

It is not the intent of H.R. 4412 to in any way broaden the scope of fair use of unpublished works nor to overrule or modify the Supreme Court's decision in Harper and Row versus the Nation wherein the Court set out general principles regarding the fair use of unpublished works.

Mr. Speaker, numerous parties have played important roles in crafting H.R. 4412. They include representatives of authors' groups, book and magazine publishers, and the computer industry. They are all to be commended for their work on H.R. 4412 for which I urge my colleagues' support.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4412, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WILD BIRD CONSERVATION ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5013) a bill to promote the conservation of exotic wild birds, as amended.

The Clerk read as follows:

H.R. 5013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WILD EXOTIC BIRD CONSERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Wild Bird Conservation Act of 1992".

SEC. 102. FINDINGS.

The Congress finds the following:

(1) In addition to habitat loss and local use, the international pet trade in wild-caught exotic birds is contributing to the decline of species in the wild, and the mortality associated with the trade remains unacceptably high.

(2) The United States, as the world's largest importer of exotic birds and as a Party to the Convention, should play a substantial role in finding effective solutions to these problems, including assisting countries of origin in implementing programs of wild bird conservation, and ensuring that the market in the United States for exotic birds does not operate to the detriment of the survival of species in the wild.

(3) Sustainable utilization of exotic birds has the potential to create economic value in them and their habitats, which will contribute to their conservation and promote the maintenance of biological diversity generally.

(4) Utilization of exotic birds that is not sustainable should not be allowed.

(5) Broad international attention has focused on the serious conservation and welfare problems which currently exist in the trade in wild-caught animals, including exotic birds.

(6) Many countries have chosen not to export their wild birds for the pet trade. Their decisions should be respected and their efforts should be supported.

(7) Several countries that allow for the export of their wild birds often lack the means to develop or effectively implement scientifically based management plans, and these countries should be assisted in developing and implementing management plans to enable them to ensure that their wild bird trade is conducted humanely and at sustainable levels.

(8) The major exotic bird exporting countries are Parties to the Convention.

(9) The Convention recognizes that trade in species that are threatened with extinction, or that may become so, should be subject to strict regulation.

(10) The necessary population assessments, monitoring programs, and appropriate remedial measures for species listed in Appendix II of the Convention are not always being undertaken in order to maintain species at levels above which they might become eligible for inclusion in Appendix I of the Convention.

(11) Resolutions adopted pursuant to the Convention recommend that the Parties to the Convention take appropriate measures regarding trade in species of exotic birds that have significantly high mortality rates in transport, including suspension of trade for commercial purposes between Parties when appropriate.

(12) Article XIV provides that the Convention in no way affects the right of any Party to the Convention to adopt stricter domestic measures for the regulation of trade in all species, whether or not listed in an Appendix to the Convention.

(13) The United States prohibits the export of all birds native to the United States that are caught in the wild.

(14) This title provides a series of nondiscriminatory measures that are necessary for the conservation of exotic birds, and furthers the obligations of the United States under the Convention.

SEC. 103. STATEMENT OF PURPOSE.

The purpose of this title is to promote the conservation of exotic birds by—

(1) assisting wild bird conservation and management programs in the countries of origin of wild birds;

(2) ensuring that all trade in species of exotic birds involving the United States is biologically sustainable and is not detrimental to the species;

(3) limiting or prohibiting imports of exotic birds when necessary to ensure that—

(A) wild exotic bird populations are not harmed by removal of exotic birds from the wild for the trade; or

(B) exotic birds in trade are not subject to inhumane treatment; and

(4) encouraging and supporting effective implementation of the Convention.

SEC. 104. DEFINITIONS.

In this title—

(1) The term "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, as amended, signed in Washington on March 3, 1973, and the Appendices thereto.

(2) The term "exotic bird"—

(A) means any live or dead member of the class Aves that is not indigenous to the 50 States or the District of Columbia, including any egg or offspring thereof; and

(B) does not include—

(i) domestic poultry, dead sport-hunted birds, dead museum specimens, dead scientific specimens, or products manufactured from such birds; or

(ii) birds in the following families: Phasianidae, Numididae, Cracidae, Meleagrididae, Megapodiidae, Anatidae, Struthionidae, Rheidae, Dromaiinae, and Gruidae.

(3) Each of the terms "import" and "importation" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States.

(4) The term "person" means an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of the United States.

(5) The term "qualifying facility" means an exotic bird breeding facility that is included in a list published by the Secretary under section 107.

(6) The term "Secretary" means the Secretary of the Interior or a designee of the Secretary of the Interior.

(7) The term "species"—

(A) means any species, any subspecies, or any distinct population segment of a species or subspecies; and

(B) includes hybrids of any species or subspecies.

(8) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

SEC. 105. MORATORIA ON IMPORTS OF EXOTIC BIRDS COVERED BY CONVENTION.

(a) IMMEDIATE MORATORIUM.—

(1) ESTABLISHMENT OF MORATORIUM.—The importation of any exotic bird of a species identified as a category B species in the report entitled "Report of the Animals Committee", adopted by the 8th meeting of the Conference of the Parties to the Convention, is prohibited.

(2) TERMINATION OF MORATORIUM.—A species of exotic birds shall be subject to the prohibition on importation established by paragraph (1) until the Secretary, after notice and an opportunity for public comment—

(A) determines that appropriate remedial measures have been taken in the countries of origin for that species, so as to eliminate the threat of trade to the conservation of the species; and

(B) makes the findings described in section 106(c) for the species and includes the species in the list published under section 106(a).

(b) EMERGENCY AUTHORITY TO SUSPEND IMPORTS OF LISTED SPECIES.—

(1) AUTHORITY TO SUSPEND IMPORTS.—The Secretary is authorized to suspend the importation of exotic birds of any species that is listed in any Appendix to the Convention, and if applicable remove the species from the list under section 106(a), if the Secretary determines that—

(A)(i) trade in that species is detrimental to the species,

(ii) there is not sufficient information available on which to base a judgment that the species is not detrimentally affected by trade in that species, or

(iii) remedial measures have been recommended by the Standing Committee of the Convention that have not been implemented; and

(B) the suspension might be necessary for the conservation of the species.

(2) TERMINATION OF SUSPENSION.—A species of exotic birds shall be subject to a suspension of importation under paragraph (1) until the Secretary, after notice and an opportunity for public comment, makes the findings described in section 106(c) and includes the species in the list published under section 106(a).

(c) MORATORIUM AFTER ONE YEAR FOR OTHER SPECIES LISTED IN APPENDICES.—Effective on the date that is one year after the date of the enactment of this Act, the importation of any exotic bird of a species that is listed in any Appendix to the Convention is prohibited unless the Secretary makes the findings described in section 106(c) and includes the species in the list published under section 106(a).

(d) LIMITATION ON NUMBER IMPORTED DURING FIRST YEAR.—Notwithstanding any other provision of this Act, the Secretary shall prohibit the importation, during the 1-year period beginning on the date of the enactment of this Act, of exotic birds of each species that is listed under any Appendix to the Convention in excess of the number of that species that were imported during the most recent year for which the Secretary has complete import data.

SEC. 106. LIST OF APPROVED SPECIES.

(a) LISTING.—

(1) IN GENERAL.—One year after the date of enactment of this Act and periodically thereafter, the Secretary shall, after notice and an opportunity for public comment, publish in the Federal Register a list of species of exotic birds that are listed in an Appendix to the Convention and that are not subject to a prohibition or suspension of importation otherwise applicable under section 105(a), (b), or (c).

(2) MANNER OF LISTING.—The Secretary shall list a species under paragraph (1) with respect to—

(A) the countries of origin from which the species may be imported; and

(B) if appropriate, the qualifying facilities in those countries from which the species may be imported.

(3) BASES FOR DETERMINATIONS.—In making a determination required under this subsection, the Secretary shall—

(A) use the best scientific information available; and

(B) consider the adequacy of regulatory and enforcement mechanisms in all countries of origin for the species, including such mechanisms for control of illegal trade.

(b) CAPTIVE BRED SPECIES.—The Secretary shall include a species of exotic birds in the list under subsection (a) if the Secretary determines that—

(1) the species is regularly bred in captivity and no wild-caught birds of the species are in trade; or

(2) the species is bred in a qualifying facility.

(c) NON-CAPTIVE BRED SPECIES.—The Secretary shall include in the list under subsection (a) a species of exotic birds that is listed in an Appendix to the Convention if the Secretary finds the Convention is being effectively implemented with respect to that species because of each of the following:

(1) Each country of origin for which the species is listed is effectively implementing the Convention, particularly with respect to—

(A) the establishment of a scientific authority or other equivalent authority;

(B) the requirements of Article IV of the Convention with respect to that species; and

(C) remedial measures recommended by the Parties to the Convention with respect to that species.

(2) A scientifically-based management plan for the species has been developed which—

(A) provides for the conservation of the species and its habitat and includes incentives for conservation;

(B) ensures that the use of the species is biologically sustainable and maintained throughout the range of the species in the country to which the plan applies at a level that is consistent with the role of the species in the ecosystem and is well above the level at which the species might become threatened with extinction; and

(C) addresses factors relevant to the conservation of the species, including illegal trade, domestic trade, subsistence use, disease, and habitat loss.

(3) The management plan is implemented and enforced.

(4) The methods of capture, transport, and maintenance of the species minimizes the risk of injury or damage to health, including inhumane treatment.

SEC. 107. QUALIFYING FACILITIES.

(a) DETERMINATION.—Upon submission of a petition under section 110 by any person, the Secretary shall determine whether an exotic bird breeding facility is a qualifying facility. Such determination shall be effective for a period specified by the Secretary, which may not exceed 3 years. The Secretary shall, from time to time, publish a list of qualifying facilities in the Federal Register.

(b) CRITERIA.—The Secretary shall determine under subsection (a) that a facility is a qualifying facility for a species of exotic birds if the Secretary finds each of the following:

(1) The facility has demonstrated the capability of producing captive bred birds of the species in the numbers to be imported into the United States from that facility.

(2) The facility is operated in a manner that is not detrimental to the survival of the species in the wild.

(3) The facility is operated in a humane manner.

(4) The appropriate governmental authority of the country in which the facility is located has certified in writing, and the Secretary is satisfied, that the facility has the capability of breeding the species in captivity.

(5) The country in which the facility is located is a Party to the Convention.

(6) All birds exported from the facility are bred at the facility.

SEC. 108. MORATORIA FOR SPECIES NOT COVERED BY CONVENTION.

(a) IN GENERAL.—The Secretary shall—

(1) review periodically the trade in species of exotic birds that are not listed in any Appendix to the Convention; and

(2) after notice and an opportunity for public comment, establish a moratorium or quota on—

(A) importation of any species of exotic birds from one or more countries of origin for the species, if the Secretary determines that—

(i) the findings described in section 106(c)(2), (3), and (4) cannot be made with respect to the species; and

(ii) the moratorium or quota is necessary for the conservation of the species or is otherwise consistent with the purpose of this title; or

(B) the importation of all species of exotic birds from a particular country, if—

(i) the country has not developed and implemented a management program for exotic birds in trade generally, that ensures both the conservation and the humane treatment of exotic birds during capture, transport, and maintenance; and

(ii) the Secretary finds that the moratorium or quota is necessary for the conservation of the species or is otherwise consistent with the purpose of this title.

(b) TERMINATION OF QUOTA OR MORATORIUM.—The Secretary shall terminate a quota or moratorium established under subsection (a) if the Secretary finds that the reasons for establishing the quota or moratorium no longer exist.

SEC. 109. CALL FOR INFORMATION.

Within one month after the date of the enactment of this Act, the Secretary shall issue a call for information on the wild bird conservation program of each country that exports exotic birds, by—

(1) publishing a notice in the Federal Register requesting submission of such information to the Secretary by all interested persons; and

(2) submitting a written request for such information through the Secretary of State to each country that exports exotic birds.

SEC. 110. PETITIONS.

(a) IN GENERAL.—Any person may at any time submit to the Secretary a petition in writing requesting that the Secretary exercise authority of the Secretary under this title to—

(1) establish, modify, or terminate any prohibition, suspension, or quota under this title on importation of any species of exotic bird;

(2) add a species of exotic bird to, or remove such a species from, a list under section 106; or

(3) determine under section 107 whether an exotic bird breeding facility is a qualifying facility.

(b) CONSIDERATION AND RULING.—For each petition submitted to the Secretary in accordance with subsection (a), the Secretary shall—

(1) within 90 days after receiving the petition, issue and publish in the Federal Register a preliminary ruling regarding whether the petition presents sufficient information indicating that the action requested in the petition might be warranted; and

(2) for each petition determined to present such sufficient information—

(A) provide an opportunity for the submission of public comment on the petition; and

(B) issue and publish in the Federal Register a final ruling on the petition, by not later than 90 days after the end of the period for public comment.

SEC. 111. PROHIBITED ACTS.

(a) PROHIBITIONS.—

(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to—

(A) import any exotic bird in violation of any prohibition, suspension, or quota on importation under section 105 or 108;

(B) import an exotic bird of a species that pursuant to section 106(a)(2)(B) is included in a list under section 106, if the bird was not captive bred at a qualifying facility; or

(C) violate any regulation promulgated by the Secretary pursuant to authority provided by this title.

(2) LIMITATION.—Paragraph (1)(A) and (B) does not apply to importations made incident to the transit of exotic birds through the United States to foreign countries if the applicable requirements of the Convention have been satisfied with respect to the trade in those exotic birds.

(b) BURDEN OF PROOF FOR EXEMPTIONS.—Any person claiming the benefit of any exemption or permit under this title shall have the burden of proving that the exemption or permit is applicable or has been granted, and was valid and in force at the time of the alleged violation.

SEC. 112. EXEMPTIONS.

Notwithstanding any prohibition, suspension, or quota under this title on the importation of a species of exotic bird, the Secretary may, through the issuance of import permits, authorize the importation of a bird of the species if the Secretary determines that such importation is not detrimental to the survival of the species and the bird is being imported exclusively for any of the following purposes:

(1) Scientific research.

(2) As a personally owned pet of an individual who is returning to the United States after being continuously out of the country for a minimum of one year, except that an individual may not import more than 2 exotic birds under this paragraph in any year.

(3) Zoological breeding or display programs.

(4) Cooperative breeding programs that are—

(A) designed to promote the conservation of the species and maintain the species in the wild by enhancing the propagation and survival of the species; and

(B) developed and administered by, or in conjunction with, an avicultural, conservation, or zoological organization that meets standards developed by the Secretary.

SEC. 113. PENALTIES AND REGULATIONS.

(a) PENALTIES.—

(1) CIVIL PENALTIES.—

(A) Any person who knowingly violates, and any person engaged in business as an importer of exotic birds who violates, section 111(a)(1) or (2) or any permit issued under section 112 may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(B) Any person who knowingly violates, and any person engaged in business as an importer of exotic birds who violates, section 111(a)(3) may be assessed a civil penalty by the Secretary of not more than $12,000 for each such violation.

(C) Any person who otherwise violates section 111(a) or any permit issued under section 112 may be assessed a civil penalty by the Secretary of not more than $500 for each such violation.

(D) A civil penalty under this section shall be assessed, and may be collected, in the manner in which a civil penalty under the Act of December 28, 1973 (Public Law 93-205), may be assessed and collected under section 111(a) of that Act.

(2) CRIMINAL PENALTIES.—

(A) Any person who knowingly violates, and any person engaged in business as an importer of exotic birds who violates, section 111(a)(1) or (2) or any permit issued under section 112 shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(B) Any person who knowingly violates section 111(a)(3) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

(b) DISTRICT COURT JURISDICTION.—The several district courts of the United States, including the courts enumerated in section 460 of title 28, United States Code, shall have jurisdiction over any action arising under this title. For the purposes of this title, American Samoa shall be included in the Judicial District of the District Court of the United States for the District of Hawaii, and the Trust Territory of Palau and the Northern Marianas shall be included in the Judicial District of the District Court of the United States for the District of Guam.

(c) OTHER ENFORCEMENT.—The importation of an exotic bird is deemed to be transportation of wildlife for purposes of section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)).

(d) REGULATIONS.—The Secretary shall prescribe regulations that are necessary and appropriate to carry out the purposes of this title.

(e) SAVINGS PROVISIONS.—The authority of the Secretary under this title is in addition to and shall not affect the authority of the Secretary under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or diminish the authority of the Secretary under the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.). Nothing in this title shall be construed as repealing, superseding, or modifying any provision of Federal law.

SEC. 114. EXOTIC BIRD CONSERVATION ASSISTANCE.

(a) ASSISTANCE.—The Secretary, subject to the availability of appropriations, shall use amounts in the Exotic Bird Conservation Fund established by subsection (b) to provide financial and technical assistance for projects to conserve exotic birds in their native countries. In selecting projects for assistance, the Secretary shall give particular attention to species that are subject to an import moratorium or quota under this title, in order to assist those countries in the development and implementation of conservation management programs, or law enforcement, or both.

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the "Exotic Bird Conservation Fund".

(2) CONTENTS.—The Fund shall consist of—

(A) all amounts received by the United States in the form of penalties, fines, or forfeiture of property collected under this title in excess of the cost of paying rewards under section 113(c);

(B) donations received by the Secretary for exotic bird conservation; and

(C) such amounts as are appropriated to the Secretary for conserving exotic birds.

(c) REVIEW AND REPORT ON OTHER CONSERVATION OPPORTUNITIES.—The Secretary, in consultation with appropriate representatives of industry, the conservation community, the Secretariat of the Convention, and other national and international bodies, shall—

(1) review opportunities for a voluntary program of labeling exotic birds, certification of exotic bird breeding facilities and retail outlets, and provision of privately organized or funded technical assistance to other nations; and

(2) report to the Congress the results of this review within 2 years after the date of enactment of this Act.

SEC. 115. MARKING AND RECORDKEEPING.

(a) IN GENERAL.—The Secretary is authorized to promulgate regulations to require marking or recordkeeping that the Secretary determines will contribute significantly to the ability of the Secretary to ensure compliance with the prohibitions of section 111, for—

(1) any exotic bird that is imported after the date of enactment of this Act; or

(2) any other exotic bird that is—

(A) hatched after the date of the enactment of this Act;

(B) offered for sale; and

(C) of a species—

(i) the export of which from any country of origin is prohibited; and

(ii) that is subject to a high level of illegal trade.

(b) AVOIDING DETERRENCE OF BREEDING.—The Secretary shall seek to ensure that regulations promulgated under this section will not have the effect of deterring captive breeding of exotic birds.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $5,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out this title, to remain available until expended.

SEC. 117. RELATIONSHIP TO STATE LAW.

Nothing in this title may be construed as precluding the regulation under State law of the sale, transfer, or possession of exotic birds if such regulation—

(1) does not authorize any sale, transfer, or possession of exotic birds that is prohibited under this title; and

(2) is consistent with the international obligations of the United States.

TITLE II—GREAT LAKES FISH AND WILDLIFE TISSUE BANK

SEC. 201. SHORT TITLE.

This title may be cited as "The Great Lakes Fish and Wildlife Tissue Bank Act".

SEC. 202. TISSUE BANK.

(a) IN GENERAL.—The Secretary shall coordinate existing facilities for the storage, preparation, examination, and archiving of tissues from selected Great Lakes fish and wildlife, which shall be known as the "Great Lakes Fish and Wildlife Tissue Bank".

(b) GUIDANCE.—The Secretary shall, in consultation with appropriate Federal and State agencies and the Council of Great Lakes Research Managers, issue guidance, after an op-

portunity for public review and comment, for Great Lakes fish and wildlife tissue collection, preparation, archiving, quality control procedures, and access that will ensure—

(1) appropriate uniform methods and standards for those activities to provide confidence in Great Lakes fish and wildlife tissue samples used for research;

(2) documentation of procedures used for collecting, preparing, and archiving those samples; and

(3) appropriate scientific use of the tissues in the Great Lakes Fish and Wildlife Tissue Bank.

SEC. 203. DATA BASE.

(a) MAINTENANCE.—The Secretary shall maintain a central data base which provides an effective means for tracking and assessing relevant reference data on Great Lakes fish and wildlife, including data on tissues collected for and maintained in the Great Lakes Fish and Wildlife Tissue Bank.

(b) ACCESS.—The Secretary shall establish criteria, after an opportunity for public review and comment, for access to the data base which provides for appropriate use of the information by the public.

SEC. 204. DEFINITIONS.

In this title—

(1) "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(2) "Great Lakes fish and wildlife" means fauna, fish, and invertebrates dependent on Great Lakes resources, and located within the Great Lakes Basin.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary, $250,000 for each of fiscal years 1993 and 1994 to carry out this title.

TITLE III—MISCELLANEOUS

SEC. 301. REAUTHORIZATION OF FISH AND WILDLIFE CONSERVATION ACT OF 1980.

Section 11 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2910) is amended by striking "fiscal years" and all that follows through the end of the sentence and inserting "fiscal years 1992, 1993, 1994, 1995, 1996, and 1997'.".

SEC. 302. REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is amended by striking "fiscal years" and all that follows through "1993" and inserting "fiscal years 1992, 1993, 1994, 1995, 1996, 1997, and 1998".

SEC. 303. TECHNICAL REVISIONS TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such technical revisions to the maps described in subsection (b) as are necessary to ensure that—

(1) on the maps referred to in subsection (b)(2) (A) and (B), depictions of areas as "otherwise protected areas" do not include any area that is not an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note); and

(2) on the map referred to in subsection (b)(2)(C), depictions of areas as "otherwise protected areas" identified as "VA-60P" do not include—

(A) any area that is located south of the north bank of the Salt Ponds Inlet in Hampton, Virginia; and

(B) the area that is located north of the line described in subsection (c), other than any part of that area which is an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note).

(b) MAPS DESCRIBED.—The maps referred to in subsection (a) are—

(1) included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) entitled, respectively—

(A) "Pine Island Bay Unit, NC-01P",

(B) "Roosevelt Natural Area Unit, NC-05P", and

(C) "Plum Island Unit VA-59P Long Creek Unit VA-60P".

(c) LINE DESCRIBED.—The line referred to in subsection (a)(2)(B) is a line described as follows:

Beginning at an iron pipe in the low water line of Chesapeake Bay; said iron pipe being located 265.00 feet in a southerly direction from the south eastern corner of Fox Hill Shores Subdivision (as shown in Plat Book 9, page 161 as recorded in the Circuit Court for the City of Hampton, Virginia) and from this TRUE POINT OF BEGINNING running thence North 66 degrees 47 minutes 46 seconds West 995.79 feet to a found iron pipe; thence South 15 degrees 47 minutes 20 seconds East 270.65 feet to a found iron pipe; thence South 73 degrees 59 minutes 57 seconds West 836.68 feet to a point marking the low water line of Long Creek; being known as the southerly property line of Riley's Way.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, I rise in support of H.R. 5013, the Wild Bird Conservation Act, which is designed to ensure that our imports of wild birds for use as pets is not leading to their extinction.

Although habitat loss is the single most significant factor in the decline of wild bird populations around the world, trade has contributed significantly to the decline. The extent of the damage that has been done to wild bird populations is not known precisely, because many exporting countries lack the resources needed to analyze the ecological impacts of the trade. What is clear is that some of the world's greatest breeding grounds for beautiful and unusual birds have been systematically plundered in order to supply house pets for people. This trade is literally wreaking havoc on some of the world's most beautiful creatures, and the United States is the largest importer.

The Convention on the International Trade in Endangered Species, otherwise known as CITES, is designed to ensure that species don't become endangered through overharvest. It simply is not working to adequately protect birds and that's precisely why this legislation is necessary.

This bill provides varying levels of protection for different classes of birds, depending on how threatened they are. It provides immediate protection for birds that have been identified internationally as being under the most serious threat.

For the other birds imported into our country, it provides two tiers of protection, depending on whether the trade in the species is regulated by CITES. For those species that are listed as threatened under CITES, it directs the Fish and Wildlife Service to identify and list those that are subject to effective conservation programs in the country of origin. If a CITES-listed species is not on this list, it cannot be imported into the United States beginning one year from the date of enactment of the bill.

The burden of proof is reversed for birds that are not listed pursuant to CITES. The Secretary of the Interior is authorized to ban the importation of these species if there is reason to believe that they are threatened.

Additionally, the Secretary is authorized to take emergency action to ban the importation of species of birds which may be in trouble.

H.R. 5013 was unanimously approved by the Committee on Merchant Marine and Fisheries and the Committee on Ways and Means. The bill before the House today incorporates four additional provisions.

First, it provides explicitly that it does not preempt State laws that protect exotic birds. As the prime author of the bill, I want to make it very clear that it is not our intention to affect State authorities in this area at all.

Second, it reauthorizes funding for the African Elephant Conservation Act for an additional 5 years—to aid African countries in conserving their elephant populations.

Third, it reauthorizes for an additional 5 years the Fish and Wildlife Conservation Act of 1980, which provides an impetus for wildlife conservation programs in the States.

Fourth, the bill incorporates the text of H.R. 5350, the Great Lakes Fish and Wildlife Tissue Bank Act which the House passed last week.

Finally, the bill makes several changes to the maps of the Coastal Barrier Resources Act of 1989, as requested by Chairman JONES and Representative DAVIS.

For their efforts and good work, I want to commend the leadership of the Ways and Means Committee and Trade Subcommittee, Mr. ROSTENKOWSKI and Mr. GIBBONS and their staffs. My thanks as well to Mr. JONES, the chairman of the Merchant Marine Committee, as well as Mr. YOUNG and Mr. DAVIS, the committee and subcommittee's ranking minority members.

In closing, I want to reiterate that this bill ensures that in the long term our bird imports will not contribute to the extinction of these spectacular creatures. It is a good bill. It is urgently needed, and I urge Members to support it.

□ 2030

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

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

Mr. Speaker, I rise in support of H.R. 5013, the Wild Bird Conservation Act of 1992, and urge its adoption.

This bill goes a long way toward the conservation of exotic birds around the world. As reported, the bill places an immediate ban on the importation of those species of birds that are the most threatened by continued trade. One year after enactment of the bill, the U.S. Fish and Wildlife Service must develop a list of bird species that can be imported into the United States. The bill also provides exemptions for game birds, for birds imported for scientific purposes, for zoo displays, for bird breeding, and for birds that are personal pets of individuals.

The bill also reauthorizes the Fish and Wildlife Conservation Act of 1980 and the African Elephant Conservation Act. Both are reauthorized for 5 years at their current levels of $5 million per year.

The bill also establishes the Great Lakes Fish and Wildlife Tissue Bank. This program will aid in the conservation and maintenance of healthy fish and wildlife resources for the Great Lakes. This language was recently adopted by the House earlier this month and sent to the Senate.

And finally, the bill provides technical revisions to the Coastal Barrier Resources System.

Mr. Speaker, H.R. 5013 is a bill that has had considerable input by a number of interested parties. I would like to acknowledge the work of the administration in assisting in drafting the language on exotic bird conservation and would like to point out their support for the adoption of this bill. I would also like to commend both Chairman STUDDS and Chairman JONES of their assistance in moving this legislation.

Mr. Speaker, I support the adoption of the bill and urge its passage.

Mr. STUDDS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 5013, the Wild Bird Conservation Act of 1992.

Trade in wild birds has contributed significantly to the decline in the population of many species. Approximately 50 percent of the birds, some 500,000 birds, that make up the bird trade are imported by the United States. Half of these birds are listed as threatened under the convention on the International Trade in endangered species [CITES]. Alongside these 500,000 legally imported birds is an unknown, but significant number of wild birds smuggled into the United States each year.

Problems associated with the smuggling of wild-caught birds include the spread of avian diseases caused from smuggled birds that are not quarantined; the decline of bird populations in exporting countries, and the inhumane conditions and high mortality experienced by wild birds during transport.

Clearly, the United States, as the largest importer of wild-caught birds, must make some significant changes to its trade practices to ensure protection and conservation of these precious species so that they will be around for future generations to enjoy.

H.R. 5013 goes a long way to meeting this goal. This bill represents the culmination of many long hours spent in discussion with members of the committee, the environmental community, breeders, veterinarians, the Zoological society, pet store owners, the Trade Representatives, and a host of other interest groups.

While no one group may be entirely satisfied with this legislation, I believe the three-tier system for banning imports of wild-caught birds is a good compromise and will offer immediate protection for those birds that have been identified as being the most threatened. Moreover, it is imperative, if we are to do anything for the birds, that we do not delay further.

Mr. Speaker, this is a good, rational bill and I strongly urge my colleagues' support for its passage.

Mr. FIELDS. Mr. Speaker, I rise in support of H.R. 5013 and compliment our distinguished colleague from Massachusetts for crafting this measure to help save our endangered wild bird populations.

While the chairman has thoroughly described the key provisions of this bill, I would like to briefly highlight section 302 which reauthorized the African Elephant Conservation Act for an additional 5 years.

As a coauthor of that landmark law, I am extremely pleased that we are taking this action because it is appropriate that this Nation remain committed to the survival of the African elephant.

While it has only been 4 years since we enacted the African Elephant Conservation Act, a number of positive developments have occurred since that time.

Mr. Speaker, President George Bush used this law as a mechanism to ban the importation of all worked ivory into the United States, to encourage other nations to improve their conservation efforts, and to provide the African elephant with the highest level of international protection.

In 1988, the African elephant was being indiscriminately slaughtered by poachers throughout Africa. The price of ivory skyrocketed, and it was clear that unless immediate action was taken, this irreplaceable species would soon disappear from the continent.

While the African elephant remains a threatened species, today, there are encouraging signs that widespread poaching has subsided as the international price and demand for ivory has plummeted. Without the African Elephant Conservation Act and the leadership of President Bush, I am convinced that our largest and most beloved land mammal, the African elephant, would not have survived.

Mr. Speaker, by extending the African Elephant Conservation Act, this Nation will retain its world leadership role in protecting the African elephant and the United States Fish and Wildlife Service can continue to fund metieorious projects to assist African nations in their conservation efforts.

Although Congress has never appropriated the full $5 million authorized by Public Law 101–478, clearly there is a need to assist certain impoverished African countries who are struggling to protect their wildlife resources. By approving this legislation, we can provide certain countries with some small but critical funding to undertake elephant census counts, to improve their wildlife parks, to build tourist infrastructures, and to assist their antipoaching patrols. By so doing, we can help to ensure that elephants will survive in the future.

In fact, just a week ago, Secretary of the Interior, Manuel Lujan, announced that the United States was providing $200,000 in emergency relief for African elephants in drought-stricken southeastern Zimbabwe.

This money will be used to relocate some 400 elephants from Zimbabwe's Gonarezhou National Park, which is suffering from one of the worst droughts in its history.

Without these badly needed funds, these elephants will perish because the Gonarezhou Park is nearly devoid of vegetation and water.

This is an excellent example of the type of project that has been funded by the African Elephant Conservation Act. I compliment Secretary Lujan and Director John Turner for their commitment to help save the African elephant.

Mr. Speaker, again, I am grateful that we are reauthorizing the African Elephant Conservation Act, I thank my colleague from Massachusetts for incorporating this provision, and I urge my colleagues to vote "aye" on H.R. 5013.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to offer my strong support for the Wild Bird Conservation Act, H.R. 5013. I commend my friend from Massachusetts, Mr. STUDDS, for introducing this bill, which will go a long way to ensure that certain species of exotic birds do not become extinct through overharvesting by the pet industry.

In 1984, as a member of the New York State Assembly, I helped to pass our State's Wild Bird Conservation Act that bans the sale of wild-caught birds. I am pleased that H.R. 5013 will not preempt either the New York or New Jersey laws. Since 1984, the New York exotic pet bird industry has grown through increased captive breeding. The fact is that the species most popular in the pet trade can, and are, being bred successfully in captivity which is good for our domestic economy. It is also a fact that captive bred birds make healthier pets.

The Wild Bird Conservation Act will effectively prevent the extinction and ensure the humane treatment of these beautiful birds through immediate moratoria and quotas on heavily traded and threatened species. Because the United States is the largest importer of wild birds for pets, we should take the lead to be sure that our love for these exotic pets does not lead to their extinction.

I urge my colleagues to join me in support of this bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 5013, the Wild Bird Conserva-

tion Act of 1992, as amended. The purpose of H.R. 5013 is to promote the conservation of exotic birds by encouraging wild bird conservation and management programs in countries of origin; by ensuring that all trade in such species involving the United States is biologically sustainable; and by limiting or prohibiting imports of exotic birds when necessary to ensure that exotic wild bird populations are not harmed by removal for purposes of international trade.

The bill complements the International Convention on International Trade in endangered species in wild flora and fauna by regulating the importation of exotic birds into the United States.

Mr. Speaker, I am pleased to report that the provisions of this bill have been worked out in close consultation between the Committee on Merchant Marine and Fisheries and the Committee on Ways and Means. As such, the bill comes to the floor today with broad bipartisan support from both committees.

H.R. 5013, as amended, is an excellent example of how to produce legislation that meets the objectives of, and takes into account the concerns of, both the environmental community and the international trade community.

For these reasons, Mr. Speaker, I urge my colleagues to join me in supporting passage of this bill.

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

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 5013, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just considered and passed.

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

There was no objection.

OLYMPIC PENINSULA EXPERIMENTAL STATE FOREST ACT

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4615) to contribute to the conservation of the northern spotted owl and the protection of old growth resources through support for an experimental management program on State-owned trust lands on the western Olympic Peninsula of the State of Washington, as amended.

The Clerk read as follows:

H.R. 4615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to assist the experimental management and research program being conducted by the State of Washington on State-owned trust lands on the western Olympic Peninsula in order to contribute to the conservation of the northern spotted owl, old growth ecosystems, and fishery resources and to provide for a sustainable supply of timber and trust income in a manner that is consistent with these conservation objectives.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) The term "conservation" means the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided by the Endangered Species Act (16 U.S.C. 1531 *et seq.*) are no longer necessary. Such measures and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(2) The term "Secretary" means the Secretary of the Interior acting through the Director of the U.S. Fish and Wildlife Service.

SEC. 3. MANAGEMENT AND RESEARCH PLAN FOR THE OLYMPIC STATE EXPERIMENTAL FOREST.

(a) PLAN DEVELOPMENT.—The State of Washington may develop and submit to the Secretary of the Interior a management and research plan for the Olympic Experimental State Forest that—

(1) is based upon the recommendations of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands contained in the June, 1989 final report of the Commission;

(2) is developed by the State land management agency in consultation with the State wildlife agency and the Olympic Natural Resources Center or a comparable research institution; Provided, however, that the research components of the plan shall be developed jointly by the State land management agency and the Olympic Natural Resources Center or a comparable research institution, in consultation with the State wildlife agency; and

(3) provides for the close integration of research and management in the plan.

(b) PLAN CONTENTS.—(1) The plan shall provide for the conservation of the northern spotted owl in the Olympic Experimental State Forest and reflect scientifically sound ecosystem management principles designated to contribute to the conservation of fisheries, other sensitive species, and the ecology of the Forest generally.

(2) The plan shall contain the following elements:

(A) a framework for coordinated decision-making for implementing the plan among the State land management agency, the State wildlife agency, and the Olympic Natural Resources Center or a comparable research institution;

(B) a detailed description of the individual elements of the management and research plan; the process for implementing and funding the plan and an allocation of responsibilities for plan implementation and enforcement; and

(C) findings of the State wildlife agency about the extent to which the plan will achieve the objectives in paragraph (1).

SEC. 4. PLAN REVIEW AND APPROVAL.

(a) PLAN REVIEW.—Upon submission of the management and research plan for the Olympic Experimental State Forest under subsection 3(a), the Secretary shall determine whether the plan—

(1) provides for the conservation of the northern spotted owl in the experimental forest; and

(2) is consistent with the final northern spotted owl recovery plan as it applies to the Olympic Peninsula or, in the absence of a final recovery plan, the draft northern spotted owl recovery plan dated April 1992 as it applies to the Olympic Peninsula.

(b) REVIEW AND PUBLIC COMMENT.—The Secretary shall after notice and public comment complete the review of the management and research plans within 90 days after the submission of the plan and supporting documentation by the State of Washington under subsection 3(a).

(c) APPROVAL.—If the Secretary determines that the management and research plan for the Olympic Experimental State forest meets the standards of subsection 4(a), the Secretary shall approve the plan and so notify the State.

(d) RELATIONSHIP TO OTHER LAW.—(1) If the State authorizes identified by the plan as responsible for implementing it comply with their obligations under the approved plan, and activity conducted pursuant to its in the Olympic Experimental State Forest shall not be considered a prohibited taking of the northern spotted owl under the Endangered Species Act of 1973 (16 U.S.C. 1531, *et seq.*).

(2) If after the initial approval the Secretary subsequently determines after notice and public comment that the management and research plan for the Olympic Experimental State Forest no longer satisfies the standards in subsection 4(a)(1) or (2), then paragraph (d)(1) shall not henceforth apply.

(e) CONTINUING REVIEW.—The Secretary shall periodically review the implementation of the management and research plan by the state of Washington to ensure that it is meeting the requirements of this Act and other applicable law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 20 minutes.

The chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise in support of H.R. 4615, the Olympic Experimental State Forest Act which was introduced by Mrs. UNSOELD.

The bill seeks to clear the way for a progressive forestry research and management program for the State forest on the Olympic Peninsula. Because of the need to protect the northern spot-

ted owl in the area, the bill requires the Fish and Wildlife Service to review the forest management plan to determine if it adequately conserves the owl as required by the Endangered Species Act and is otherwise consistent with the recovery plan for the owl. I would point out that the definition of the term conservation in the bill is identical to the term as defined in the ESA, and it is my intention that they be interpreted as identical.

If the Director determines the plan is adequate, then the Director is authorized to approve the plan. If the plan is approved and fully implemented by the State, then activities conducted pursuant to it will not be subject to criminal prosecutions for illegal takings under the Endangered Species Act.

The bill, in short, seeks to integrate the management and research plan with the conservation obligations of the ESA on the Olympic Experimental State Forest. It in no way otherwise modifies or restricts the requirements of the ESA, including but not limited to the emergency authorities of the Secretary under section 4(b)(7).

Mr. Speaker, this bill is one small step in our efforts to reconcile the need to conserve the northern spotted owl and forest management in the Pacific Northwest. It is a constructive first step and a welcome alternative to the posturing that has characterized the administration's approach to the issue, resulting in a set of regionwide injunctions that now blanket the timber program. So much for jobs.

In bringing the bill before the House today, I want to thank Chairman DE LA GARZA and Chairman VOLKMER of the Agriculture Committee for their constructive assistance on the legislation, and to Chairman JONES and BOB DAVIS, the ranking minority member of the Merchant Marine Committee, for their support as well. Finally, I must confess that the bill would not be here today if it were not for the untiring efforts of Representative UNSOELD who has repeatedly refused to give up the good fight to bring order to a situation that has been for too long characterized by utter chaos.

Mr. Speaker, this is a good, bipartisan effort that is a small step in the right direction, and I urge its support.

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

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

Mr. Speaker, I rise in support of H.R. 4615, a bill addressing the conservation of the northern spotted owl and the old-growth timber resources of the Olympic Peninsula in Washington.

While the issue of conservation of the spotted owl and its relationship to old-growth timber resources is indeed a highly emotional issue, the bill before us offers a rather logical approach for allowing a substantial supply of timber to be harvested, while protecting owl habitat. I would like to remind my colleagues that the legislation is very specific to only the State lands located in the Olympic Peninsula of Washington.

While some may say that this legislation is unnecessary and duplicates existing avenues currently offered in the Endangered Species Act, this legislation will accelerate the time frame for relief to the communities and people of that area.

Mr. Speaker, I support the legislation and urge my colleagues to join me in its adoption.

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

Mr. STUDDS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD], the author of the bill.

Mrs. UNSOELD. Mr. Speaker, today the House debates legislation to chart the course the State of Washington must follow under the Endangered Species Act to establish a 260,000 acre experimental forest on State-owned lands on the Olympic Peninsula.

Before I explain the bill, I want to express my sincere appreciation to Chairmen JONES and DE LE GARZA of the Merchant Marine and Fisheries and Agriculture Committees, as well as Chairman STUDDS of the Wildlife Conservation Subcommittee and Chairman VOLKMER of the Forests Subcommittee. Without the supportive efforts of these Members, and the expertise and dedication of their respective staffs, we would not be here discussing this bill today. I also want to thank my Washington State colleagues—NORM DICKS, AL SWIFT, and SID MORRISON—as well as Public Lands Commissioner Brian Boyle and the Governor's timber team—for their active support of this legislation.

The Olympic Experimental State Forest is a concept first put forward by the Commission on Old Growth Alternatives for Washington State Trust Lands. This commission—comprised of environmentalists, timber representatives, and community leaders—reached consensus on a comprehensive set of recommendations for managing State-owned forests on the Olympic Peninsula. The experimental forest, along with logging deferrals on critical spotted owl habitat, was the centerpiece of the commission's proposal.

H.R. 4615 would allow the experimental forest to move forward. Under the bill, the State of Washington, together with scientists at the Olympic Natural Resources Center, will prepare and submit a management and research plan for the State-owned lands of the Olympic Peninsula to the Secretary of Interior. If, after public comment, the Secretary determines that the plan provides for the conservation of spotted owls, activities in accordance with the plan shall not be considered a taking under the Endangered Species Act.

This bill applies the standard of conservation, as defined in the Endangered Species Act as the basis for plan approval. As such, this bill does not change the existing authority of the Secretary.

Mr. Speaker, the future management of our forest in the Pacific Northwest is a very complex and emotional issue. Interest groups are polarized and Federal resource agencies paralyzed at the mere mention of spotted owls or old-growth trees. The result is massive mistrust and a growing frustration toward Government resource management agencies. This legislation will not solve this larger crisis. But it will provide us with a scientifically sound and aggressive research program for developing future forest management plans to provide both sustainable harvests and healthy forest ecosystems.

This bill is not for industry groups who tell us we can return to the good old days and restore lost jobs if only we ignore the hysterical shrieks of those radical preservations.

And this bill is not for the environmental groups who claim the industry has destroyed our forests forever and the only way to provide a shred of hope for the future is to draw circles on maps and legislatively lock up every Douglas fir, hemlock, and cedar tree forever.

Mr. Speaker, this bill is for sincere people who truly want to save jobs and save the owl; for those people who recognize past mistakes in our forests, and who seek help in developing new, scientifically based forest management practices.

I urge its adoption.

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Mr. BATEMAN. Mr. Speaker, I am pleased to yield 2 minutes to the very capable and distinguished gentleman from Washington [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, I thank the gentleman from Virginia for yielding time to me, and thank all of those responsible for moving this bill to the floor this evening. The gentleman from Massachusetts [Mr. STUDDS] mentioned that this was a small step, and I suppose if we look at the quarter of a million acres out in the vast expanses of the West, it is a small area. But some of us would consider this a large step because of the complexity of the issue we are dealing with, and that is the Endangered Species Act and the northern spotted owl.

What I like about this is that it started with a group of excellent people representing all interests in the Northwest, put together by our now-retiring commissioner of public lands, Brian Boyle. The Commission on Old Growth Alternatives and the ideas they put forth in this proposed experimental forest come to us this evening.

The idea of coordinating within this area a master plan to meet the require-

ments of the Endangered Species Act, to bring together the protection for the owl, the old-growth ecosystem, fish habitat and still allow for experimental harvest is perhaps in the best interests of all people. Not just those in the State of Washington, but across the country as we utilize the yardstick of the Endangered Species Act to say as a society we are not doing all of the things we should be doing to protect many of these creatures that are very important to us. So I congratulate the gentlewoman from Washington [Mrs. UNSOELD]. I have enjoyed working with NORM DICKS and AL SWIFT as this has come together. Now let us send it on and let Washington State through this experimental force say that by working together we can make very good things happen.

Mr. STUDDS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the bill under suspension, H.R. 4615, a bill to assist the experimental management program being conducted by the State of Washington on State-owned trust lands on the Olympic Peninsula. I want to thank the chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, and the ranking minority, Mr. DAVIS of Michigan, and the chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Mr. STUDDS, as well as that subcommittee's ranking minority, Mr. YOUNG. I especially want to thank my colleague from the State of Washington, Mrs. UNSOELD, who serves on the committee. She has been tireless in her efforts to see that this bill was brought to the floor for consideration.

The Olympic Peninsula experimental forest concept represents a creative attempt to address multiuse management concerns on the State land base on the Olympic Peninsula. The experimental forest is very promising for its potential to benefit timber-dependent communities such as Forks, WA, and communities on the Olympic Peninsula are very supportive of what the State is attempting to achieve with the forest.

The concept of an experimental forest was initially recommended by the State's commission on old-growth alternatives in 1989. The experimental forest concept represents an innovative approach to the ecological management of 260,000 acres of Washington State-owned trust land. The stated goal of the experimental forest concept is to "investigate, develop, and implement methods to produce a level of timber harvest comparable with contemporary forest practices and simultaneously provide for ecological values."

The proposed experimental forest lies on the western Olympic Peninsula, and contains most of the old-growth forest remaining on State lands. Some of the key aspects of experimental planning on the forest include: Reliance on a broad range of innovative silvicultural techniques; a detailed and comprehensive research and monitoring program; adaptive management strategies; use of forest structural diversity to ensure ecosystem diversity; and the unified management of broad landscape units of 4,000 to 15,000 acres each.

Some examples of actions that may occur on the experimental forest include: Landscape management techniques that would utilize selective harvest and thinning; the application of new forestry approaches such as leaving large green trees, snags, and downed logs in a harvested area; the implementation of plans for longer harvest rotations; providing for proportions of various types of stand structures across landscape units; and utilizing approaches which encourage natural regeneration processes.

Specifically, H.R. 4615 allows for the State of Washington to develop and submit to the Secretary of the Interior a management plan for the Olympic Experimental State Forest that is based on the recommendations of the Commission on Old Growth Alternatives, is developed by the State Land Management Agency in consultation with the State Wildlife Agency and Olympic Natural Resources Center, and provides for the close integration of research and management in the plan. The plan is to provide for the conservation of the northern spotted owl on the Olympic Experimental State Forest and reflect scientifically sound ecosystem management principles designed to contribute to the conservation of fish and other sensitive species.

Upon submission of the plan, the Secretary of Interior is to determine whether the plan for the experimental State forest provides for the conservation of the northern spotted owl and is consistent with the final northern spotted owl recovery plan. If the Secretary determines that the Olympic Experimental Forest plan meets these standards, then the Secretary is to approve the management plan and notify the State.

Mr. Speaker, this bill will get the State's experimental forest proposal out from under a situation of suspended animation, to move forward with a process for the implementation of creative, scientifically credible, and ecologically sound approaches to forest management. I urge its adoption.

Mr. SWIFT. Mr. Speaker, this evening the House is considering H.R. 4615, the Olympic Experimental State Forest Act. I strongly support this legislation.

The Olympic Peninsula in Washington State is undergoing a dramatic economic change due in part to the restrictions in logging because of the listing of the northern spotted owl as a threatened species. The physical core of the peninsula is the Olympic National Park. The Olympic National Forest surrounds the park except for the north boundary and a large section on the west side—which is primarily owned by the State of Washington. Approximately two-thirds of the land on the peninsula is in either Federal or State government control.

Over the past several years, the Olympic National Forest has seen its annual harvest reduced from an average of 235 million board feet to 22 million board feet. Most of this reduction is due to setting aside millions of acres of forests for preservation of the owl. On the peninsula, each pair of owls needs over 3,000 acres of forest to survive. Legislation which is going through the House could reduce the harvest rate to as low as 8 million board feet—a reduction of 96 percent from harvest levels of just 10 years ago.

Scientists and forestry experts have told us in hearings that during the last 20 years we have learned a great deal that simply wasn't known before about the diverse world that exists within the forests. What may have been appropriate management practices a couple of decades ago is no longer adequate to protect the health of the diverse forest ecology. Further, new ideas about how to maintain biological diversity and timber production at the same time have been presented to us. However, we cannot conduct experiments on the national forest lands due to restrictions within the Endangered Species Act.

If, in fact, we can work out, we can explore, we can define, we can establish in our own minds that the new science is solid, then the responsible people on both sides ought to be able to find in these kinds of new proposals a balance. One in which we can reach a pragmatic, practicable solution so our forests are properly managed to maintain the biological diversity that currently exists in our wilderness areas, and our forest industry will be able to continue to provide the 2 by 4's to build our homes and the pulp to make our paper, as well as other wood products.

That is where the Olympic Experimental Forest can help. This bill would allow the recommendations of a commission of community leaders, environmentalists and timber employees to go forward on Washington State lands. The commission agreed to set aside the most valuable old growth forests for 15 years, while trying some of these new ideas on other land. These experiments could lead to new knowledge on how to achieve the much need balance between biological diversity and resource development.

Who would benefit from an experimental forest on the Olympic Peninsula? Everyone. The local timber industry would be allowed a harvest, although greatly reduced. Forestry scientists would be able to try some of their ideas in the field. The environmental community stands to gain additional knowledge while protecting 15,000 acres of old growth. And finally, the local community which has been most severely impacted by the economic upheaval would benefit through renewed faith in the Federal Government; through the interchange of ideas with the scientists that would plan, observe, and comment on the different techniques being used; through preservation of their environment; and through the renewed economic activity.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 4615, the Olympic Experimental State Forest Act.

Concerned groups in Washington State have reached an important consensus on an experimental management and research program for 260,000 acres of forest trust lands on the Olympic Peninsula.

This program will contribute to the conservation of the northern spotted owl, old growth forest ecosystems, and the fishery resources of the area. In addition, it will provide for an adequate supply of timber and enough trust income to fund educational institutions in the State.

Currently, little timber harvest or research is taking place within the experimental forest because of the taxing provisions under the Endangered Species Act that protect the northern spotted owl.

To solve this problem, H.R. 4615 establishes a process within which an approved management and research plan will meet the requirements of the Endangered Species Act and the spotted owl. This will speed up the implementation of the agreed-upon plan.

H.R. 4615 has the support of the State of Washington, the timber industry, and the conservation community.

I urge my colleagues to support H.R. 4615.

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

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4615, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNITED STATES-HONG KONG POLICY ACT OF 1992

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1731) to establish the policy of the United States with respect to Hong Kong, and for other purposes, as amended.

The Clerk read as follows:

S. 1731

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 "United States-Hong Kong Policy Act of 1992".

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress makes the following findings and declarations:

(1) The Congress recognizes that under the 1984 Sino-British Joint Declaration:

(A) The People's Republic of China and the United Kingdom of Great Britain and Northern Ireland have agreed that the People's Republic of China will resume the exercise of sovereignty over Hong Kong on July 1, 1997. Until that time, the United Kingdom will be responsible for the administration of Hong Kong.

(B) The Hong Kong Special Administrative Region of the People's Republic of China, beginning on July 1, 1997, will continue to enjoy a high degree of autonomy on all matters other than defense and foreign affairs.

(C) There is provision for implementation of a "one country, two systems" policy, under which Hong Kong will retain its current lifestyle and legal, social, and economic systems until at least the year 2047.

(D) The legislature of the Hong Kong Special Administrative Region will be constituted by elections, and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as applied to Hong Kong, shall remain in force.

(E) Provision is made for the continuation in force of agreements implemented as of June 30, 1997, and for the ability of the Hong Kong Special Administrative Region to conclude new agreements either on its own or with the assistance of the Government of the People's Republic of China.

(2) The Congress declares its wish to see full implementation of the provisions of the Joint Declaration.

(3) The President has announced his support for the policies and decisions reflected in the Joint Declaration.

(4) Hong Kong plays an important role in today's regional and world economy. This role is reflected in strong economic, cultural, and other ties with the United States that give the United States a strong interest in the continued vitality, prosperity, and stability of Hong Kong.

(5) Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.

(6) The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong. A fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves. Human rights also serve as a basis for Hong Kong's continued economic prosperity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Hong Kong" means, prior to July 1, 1997, the British Dependent Territory of Hong Kong, and on and after July 1, 1997, the Hong Kong Special Administrative Region of the People's Republic of China;

(2) the term "Joint Declaration" means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984; and

(3) the term "laws of the United States" means provisions of law enacted by the Congress.

TITLE I—POLICY

SEC. 101. BILATERAL TIES BETWEEN THE UNITED STATES AND HONG KONG.

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, should be the policy of the United States with respect to its bilateral relationship with Hong Kong:

(1) The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong's confidence and prosperity, Hong Kong's role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.

(2) The United States should actively seek to establish and expand direct bilateral ties and agreements with Hong Kong in economic, trade, financial, monetary, aviation, shipping, communications, tourism, cultural, sport, and other appropriate areas.

(3) The United States should seek to maintain, after June 30, 1997, the United States consulate-general in Hong Kong, together with other official and semi-official organizations, such as the United States Information Agency American Library.

(4) The United States should invite Hong Kong to maintain, after June 30, 1997, its official and semi-official missions in the United States, such as the Hong Kong Economic & Trade Office, the Office of the Hong Kong Trade Development Council, and the Hong Kong Tourist Association. The United States should invite Hong Kong to open and maintain other official or semi-official missions to represent Hong Kong in those areas in which Hong Kong is entitled to maintain relations on its own, including economic, trade, financial, monetary, aviation, shipping, communications, tourism, cultural, and sport areas.

(5) The United States should recognize passports and travel documents issued after June 30, 1997, by the Hong Kong Special Administrative Region.

(6) The resumption by the People's Republic of China of the exercise of sovereignty over Hong Kong after June 30, 1997, should not affect treatment of Hong Kong residents who apply for visas to visit or reside permanently in the United States, so long as such treatment is consistent with the Immigration and Nationality Act.

SEC. 102. PARTICIPATION IN MULTILATERAL ORGANIZATIONS, RIGHTS UNDER INTERNATIONAL AGREEMENTS, AND TRADE STATUS.

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, should be the policy of the United States with respect to Hong Kong after June 30, 1997:

(1) The United States should support Hong Kong's participation in all appropriate multilateral conferences, agreements, and organizations in which Hong Kong is eligible to participate.

(2) The United States should continue to fulfill its obligations to Hong Kong under international agreements, so long as Hong Kong reciprocates, regardless of whether the People's Republic of China is a party to the particular international agreement, unless and until such obligations are modified or terminated in accordance with law.

(3) The United States should respect Hong Kong's status as a separate customs territory, and as a contracting party to the General Agreement on Tariffs and Trade, whether or not the People's Republic of China participates in the latter organization.

SEC. 103. COMMERCE BETWEEN THE UNITED STATES AND HONG KONG.

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, are and should continue after June 30, 1997, to be the policy of the United States with respect to commerce between the United States and Hong Kong:

(1) The United States should seek to maintain and expand economic and trade relations with Hong Kong and should continue to treat Hong Kong as a separate territory in economic and trade matters, such as import quotas and certificates of origin.

(2) The United States should continue to negotiate directly with Hong Kong to conclude bilateral economic agreements.

(3) The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory

which is fully autonomous from the People's Republic of China with respect to economic and trade matters.

(4) The United States should continue to grant the products of Hong Kong nondiscriminatory trade treatment (commonly referred to as "most-favored-nation status") by virtue of Hong Kong's membership in the General Agreement on Tariffs and Trade.

(5) The United States should recognize certificates of origin for manufactured goods issued by the Hong Kong Special Administrative Region.

(6) The United States should continue to allow the United States dollar to be freely exchanged with the Hong Kong dollar.

(7) United States businesses should be encouraged to continue to operate in Hong Kong, in accordance with applicable United States and Hong Kong law.

(8) The United States should continue to support access by Hong Kong to sensitive technologies controlled under the agreement of the Coordinating Committee for Multilateral Export Controls (commonly referred to as "COCOM") for so long as the United States is satisfied that such technologies are protected from improper use or export.

(9) The United States should encourage Hong Kong to continue its efforts to develop a framework which provides adequate protection for intellectual property rights.

(10) The United States should negotiate a bilateral investment treaty directly with Hong Kong, in consultation with the Government of the People's Republic of China.

(11) The change in the exercise of sovereignty over Hong Kong should not affect ownership in any property, tangible or intangible, held in the United States by any Hong Kong person.

SEC. 104. TRANSPORTATION.

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, should be the policy of the United States after June 30, 1997, with respect to transportation from Hong Kong:

(1) Recognizing Hong Kong's position as an international transport center, the United States should continue to recognize ships and airplanes registered in Hong Kong and should negotiate air service agreements directly with Hong Kong.

(2) The United States should continue to recognize ships registered by Hong Kong.

(3) United States commercial ships, in accordance with applicable United States and Hong Kong law, should remain free to port in Hong Kong.

(4) The United States should continue to recognize airplanes registered by Hong Kong in accordance with applicable laws of the People's Republic of China.

(5) The United States should recognize licenses issued by the Hong Kong to Hong Kong airlines.

(6) The United States should recognize certificates issued by the Hong Kong to United States air carriers for air service involving travel to, from, or through Hong Kong which does not involve travel to, from, or through other parts of the People's Republic of China.

(7) The United States should negotiate at the appropriate time directly with the Hong Kong Special Administrative Region, acting under authorization from the Government of the People's Republic of China, to renew or amend all air service agreements existing on June 30, 1997, and to conclude new air service agreements affecting all flights to, from, or through the Hong Kong Special Administrative Region which do not involve travel to, from, or through other parts of the People's Republic of China.

(8) The United States should make every effort to ensure that the negotiations described in paragraph (7) lead to procompetitive air service agreements.

SEC. 105. CULTURAL AND EDUCATIONAL EXCHANGES.

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, are and should continue after June 30, 1997, to be the policy of the United States with respect to cultural and educational exchanges with Hong Kong:

(1) The United States should seek to maintain and expand United States-Hong Kong relations and exchanges in culture, education, science, and academic research. The United States should encourage American participation in bilateral exchanges with Hong Kong, both official and unofficial.

(2) The United States should actively seek to further United States-Hong Kong cultural relations and promote bilateral exchanges, including the negotiating and concluding of appropriate agreements in these matters.

(3) Hong Kong should be accorded separate status as a full partner under the Fulbright Academic Exchange Program (apart from the United Kingdom before July 1, 1997, and apart from the People's Republic of China thereafter), with the continuation or establishment of a Fulbright Commission or functionally equivalent mechanism.

(4) The United States should actively encourage Hong Kong residents to visit the United States on nonimmigrant visas for such purposes as business, tourism, education, and scientific and academic research, in accordance with applicable United States and Hong Kong laws.

(5) Upon the request of the Legislative Council of Hong Kong, the Librarian of Congress, acting through the Congressional Research Service, should seek to expand educational and informational ties with the Council.

TITLE II—THE STATUS OF HONG KONG IN UNITED STATES LAW

SEC. 201. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Hong Kong, the laws of the United States shall continue to apply with respect to Hong Kong, on and after July 1, 1997, in the same manner as the laws of the United States were applied with respect to Hong Kong before such date unless otherwise expressly provided by law or by Executive order under section 202.

(b) INTERNATIONAL AGREEMENTS.—For all purposes, including actions in any court in the United States, the Congress approves the continuation in force on and after July 1, 1997, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Hong Kong, or entered into before such date between the United States and the United Kingdom and applied to Hong Kong, unless or until terminated in accordance with law. If in carrying out this title, the President determines that Hong Kong is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Hong Kong's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, such determination shall be reported to the Congress in accordance with section 301.

SEC. 202. PRESIDENTIAL ORDER.

(a) PRESIDENTIAL DETERMINATION.—On or after July 1, 1997, whenever the President determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of section 201(a) to such law or provision of law.

(b) FACTOR FOR CONSIDERATION.—In making a determination under subsection (a) with respect to the application of a law of the United States, or any provision thereof, to Hong Kong, the President should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Hong Kong.

(c) PUBLICATION IN FEDERAL REGISTER.—Any Executive order issued under subsection (a) shall be published in the Federal Register and shall specify the law or provision of law affected by the order.

(d) TERMINATION OF SUSPENSION.—An Executive order issued under subsection (a) may be terminated by the President with respect to a particular law or provision of law whenever the President determines that Hong Kong has regained sufficient autonomy to justify different treatment under the law or provision of law in question. Notice of any such termination shall be published in the Federal Register.

SEC. 203. RULES AND REGULATIONS.

The President is authorized to prescribe such rules and regulations as the President may deem appropriate to carry out this Act.

SEC. 204. CONSULTATION WITH CONGRESS.

In carrying out this title, the President shall consult appropriately with the Congress.

TITLE III—REPORTING PROVISIONS

SEC. 301. REPORTING REQUIREMENT.

Not later than March 31, 1993, March 31, 1995, March 31, 1997, March 31, 1998, March 31, 1999, and March 31, 2000, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on conditions in Hong Kong of interest to the United States. This report shall cover (in the case of the initial report) the period since the date of enactment of this Act or (in the case of subsequent reports) the period since the most recent report pursuant to this section and shall describe—

(1) significant developments in United States relations with Hong Kong, including a description of agreements that have entered into force between the United States and Hong Kong;

(2) other matters, including developments related to the change in the exercise of sovereignty over Hong Kong, affecting United States interests in Hong Kong or United States relations with Hong Kong;

(3) the nature and extent of United States-Hong Kong cultural, education, scientific, and academic exchanges, both official and unofficial;

(4) the laws of the United States with respect to which the application of section 201(a) has been suspended pursuant to section 202(a) or with respect to which such a suspension has been terminated pursuant to section 202(d), and the reasons for the suspension or termination, as the case may be;

(5) treaties and other international agreements with respect to which the President has made a determination described in the last sentence of section 201(b), and the reasons for each such determination;

(6) significant problems in cooperation between Hong Kong and the United States in the area of export controls;

(7) the development of democratic institutions in Hong Kong; and

(8) the nature and extent of Hong Kong's participation in multilateral forums.

SEC. 302. SEPARATE PART OF COUNTRY REPORTS.

Whenever a report is transmitted to the Congress on a country-by-country basis there shall be included in such report, where applicable, a separate subreport on Hong Kong under the heading of the state that exercises sovereignty

over Hong Kong. The reports to which this section applies include the reports transmitted under—

(1) sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (relating to human rights);

(2) section 181 of the Trade Act of 1974 (relating to trade barriers); and

(3) section 2202 of the Export Enhancement Act of 1988 (relating to economic policy and trade practices).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. Speaker, I am honored to bring before the House today S. 1731, the United States-Hong Kong Policy Act of 1992. The chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, the Honorable STEPHEN SOLARZ, who worked extensively on this measure, could not be present and requested that I manage the bill.

S. 1731 was introduced by the distinguished Senator from Kentucky, the Honorable MITCH MCCONNELL, and passed the Senate on May 21. It was approved with amendments by the House Foreign Affairs Committee on August 4.

In bringing this bill to the floor, I would like to recognize the contributions of the following individuals:

The gentleman from Illinois, Congressman JOHN PORTER, who introduced H.R. 3522, the House companion to S. 1731, and who has demonstrated a long-standing concern for the people of Hong Kong;

The chairman and ranking members of the subcommittee of the Foreign Affairs Committee to which the bill was referred, and to the chairman and ranking member of the full committee;

The chairman and ranking members of the Ways and Means Committee and the Public Works and Transportation Committee for facilitating expeditious action on this bill by the full House. In that regard, I will include in the RECORD letters from the chairmen of those two committees indicating that they have no objections to consideration of S. 1731 by the full House.

In enacting the United States-Hong Kong Policy Act, the Congress seeks to achieve several purposes:

First, the bill makes explicit what is implicit regarding United States relations with Hong Kong once sovereignty over the territory reverts to China in 1997.

It makes specific statements of policy in areas such as governmental representation, commerce, transportation, and cultural exchanges.

These are areas where China agreed that Hong Kong could act on its own, even after 1997, so there is no reason for us not to clarify our position.

Second, the bill constructs a bridge across the 1997 divide, so that, where appropriate, United States laws that are currently being applied to Hong Kong may continue to apply after reversion, and international agreements to which the United States and Hong Kong are parties may continue in force.

Because we are a nation of laws, such a transition mechanism is necessary and appropriate.

Third, and most importantly, the bill expresses a political commitment that the Government and people of the United States will remain concerned about the welfare and well-being of the people of Hong Kong.

Because of the admiration Americans have for the accomplishments of the people of Hong Kong, and because of the many ways in which the residents of Hong Kong have enriched our country, it is natural that we will remain concerned about their fate and future.

To be effective, a statement of political commitment by the United States should represent a broad-based consensus.

In that regard, I am pleased to report that this bill is strongly supported by Members on both sides of the aisle and at both ends of Pennsylvania Avenue.

The amendments that the House Foreign Affairs Committee adopted were coordinated with the administration and with relevant parties in the Senate.

Mr. Speaker, I am pleased to bring the United States-Hong Kong Policy Act of 1992—and the political commitment it embodies—before the House. I urge all Members to support it.

OVERVIEW ON UNITED STATES-HONG KONG POLICY ACT OF 1992

1. As the flagship financial capital of Southeast Asia, Hong Kong's market has attracted significant investment by the United States. Over the past decade, our Nation's economic interests in Hong Kong have grown tremendously.

Currently, the U.S. has more than $7 billion invested in assets in Hong Kong.

Over $99 billion U.S. dollars are deposited in Hong Kong financial institutions.

U.S. firms and businesses located in Hong Kong number well over 900.

More than 22,000 Americans live in Hong Kong to conduct business.

2. Hand in hand with America's investment in Hong Kong has been a dramatic increase in our trade relationship.

In 1991, just shy of $17.5 billion of trade was done between our Nation and Hong Kong, making Hong Kong our 14th largest trading partner in the world.

Over the past six years, U.S. exports to Hong Kong have nearly doubled, totalling well over $8 billion of U.S. goods bought last year by residents of Hong Kong.

Broken down, each resident of Hong Kong averaged over $1,300 in purchases of U.S. goods, which, on a per capita basis, is three times more than what the Japanese purchased from us last year.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, July 30, 1992.

Hon. DANTE B. FASCELL,
Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR DANTE: I understand that the Committee on Foreign Affairs will be marking up S. 1731, "To Establish the Policy of the United States with Respect to Hong Kong," in the near future and that the Committee on Public Works and Transportation has been asked to review certain sections within its jurisdiction.

It is also my understanding that your Committee is interested in proceeding to the House Floor expeditiously and that you would like the Committee on Public Works and Transportation to waive its right to a sequential referral on the matters within its jurisdiction so that you may move forward quickly.

After reviewing the provisions and consulting with the aviation leadership of our Committee we are agreeable to doing so, assuming acceptance of one addition (attached) to the bill.

That suggestion, which has been supplied to your staff, is for an additional "Sense of the Congress" regarding a procompetitive bilateral aviation agreement between the U.S. and Hong Kong. It is our understanding that your Committee is amendable to this, and we appreciate your assistance in including it in your bill.

While we are waiving our right to a sequential referral, we want to state that this should in no way be construed that our Committee is relinquishing its jurisdiction on these aviation matters. We can certainly foresee circumstances in the future when we would certainly exercise our jurisdictional rights on similar matters. We are proceeding this way only in order that the legislation be brought to the House Floor expeditiously. We would also expect to have Members of our Committee named as Conferees, should there be a conference on this legislation.

We would like to receive a reply letter, which would be included in your Committee report, acknowledging our jurisdiction.

We very much appreciate the cooperative manner in which your Committee has worked with us on this bill. We look forward to continuing our Committees' close working relationships on matters of mutual interest.

With warmest personal regards.

Sincerely,

ROBERT A. ROE,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 4, 1992.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 30 concerning S. 1731, legislation establishing U.S. policy with respect to Hong Kong.

I am pleased to note that in the interest of legislative expediency, the Committee on Public Works and Transportation is prepared to waive its right to referral on S. 1731, without prejudice to the Committee's jurisdiction.

When the bill is marked up on August 5, Chairman Solarz of the Asia and Pacific Affairs Subcommittee is prepared to offer the additional language which you would like to see included in the bill. In addition, should there be a conference on this legislation, I

would support your request to be represented on such a conference for those provisions over which you have jurisdiction.

Thank you for your cooperation in this matter.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, August 3, 1992.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning S. 1731, the "United States-Hong Kong Policy Act of 1992," which passed the Senate and was referred to the Committee on Foreign Affairs on May 27. I understand that the Committee is likely to order this bill favorably reported this week and will request House consideration early next week under suspension of the rules.

Several provisions of this bill concerning U.S. trade policy toward Hong Kong fall within the jurisdiction of the Committee on Ways and Means. In addition to economic and trade relations generally, the bill contains several provisions that refer specifically to relations with Hong Kong under various U.S. trade laws. Section 102 would maintain Hong Kong's status as a separate customs territory and member of the General Agreement on Tariffs and Trade irrespective of China's membership status. Section 103 applies to commerce between the United States and Hong Kong, stating that the United States should continue to treat Hong Kong as a separate territory in economic and trade matters, such as import quotas and certificates of origin, negotiate directly with Hong Kong to conclude bilateral economic agreements, continue to grant Hong Kong nondiscriminatory, most-favored-nation trade treatment, and recognize Hong Kong certificates of origin for manufactured goods. Section 201 provides that U.S. laws and international agreements, including import and other trade laws and agreements, would continue to apply to Hong Kong. Finally, the annual report to the Congress prepared by the U.S. Trade Representative on foreign trade barriers required under section 181 of the Trade Act of 1974 would include a subreport on Hong Kong. Each of these provisions would continue existing U.S. commercial policy toward Hong Kong.

In view of your desire for early House passage of this bill and the noncontroversial nature of the trade-related provisions and the fact they do not change existing U.S. trade laws or policies, I am willing to waive Committee jurisdiction over these provisions, with the understanding that a waiver in this instance in no way establishes a precedent or prejudices the Committee on Ways and Means' jurisdiction over provisions of the type described above. I would appreciate your confirmation of this understanding and reference to this exchange of letters during House consideration of the bill.

I appreciate the cooperation extended to the Committee on Ways and Means by you and your staff.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 5, 1992.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of August 3 concerning S. 1731, legislation establishing U.S. policy with respect to Hong Kong.

I am pleased to note that in the interest of legislative expediency, the Committee on Ways and Means is preparing to waive its right to referral on S. 1731, without prejudice to the Committee's jurisdiction.

Should there be a conference on this legislation, I would support your request to be represented on such a conference for those provisions over which you have jurisdiction.

Thank you for your cooperation in this matter.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

□ 2050

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

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

Mr. Speaker, with its dynamic economy and free citizenry, Hong Kong plays an important role in the rapid economic growth and political development in Asia and the Pacific.

This British Crown Colony serves as the principal financial capital in Southeast Asia. Hong Kong is one of our key trading partners, a major target for United States investment, and the base for more than 900 American firms doing business in the region. It is also the gateway for United States business into the growing economy of southern China.

But while much of the world moves toward greater democracy and market economies, Hong Kong could be forced to move in the opposite direction in 1997.

This concern arises because on July 1, 1997, Hong Kong will go from colonial British rule to Chinese sovereignty.

Under the 1984 Sino-British Joint Declaration, Hong Kong is supposed to be administered as a special administrative region. Its economic structure and the fundamental rights of its people are guaranteed for 50 years.

This bill supports the continuation, within the context of the Joint Agreement, of the many ties—from commercial and transportation arrangements to cultural and educational exchanges—between the United States and Hong Kong.

The bill also restates the United States laws and international agreements that apply to Hong Kong, and establishes the conditions for maintaining them. These measures will help build confidence in Hong Kong and help its people maintain their political freedoms and human rights.

Mr. Speaker, I commend the chairman of the Foreign Affairs Committee, DANTE FASCELL, as well as Congressmen SOLARZ and LEACH for bringing this important legislation to the floor. The administration has also worked closely on this bill, and it is my understanding that they support it.

I urge my colleagues to vote for S. 1731. This bill will help promote continued political freedom and economic stability in Hong Kong and otherwise support United States interests in the region.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I applaud the Foreign Affairs Committee and its able chairman, Mr. FASCELL, its distinguished vice chairman, WILLIAM BROOMFIELD, as well as Mr. SOLARZ, chairman of the Asian and Pacific Affairs Subcommittee for bringing this important bill to the floor. I also commend the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his able management of the bill on the floor.

In the past, questions regarding Hong Kong have usually been considered in the context of a broader policy toward China or Southeast Asia. Today, however, the impending transfer of Hong Kong's sovereignty to China in 1997 and the substantial and growing economic links between the United States and Hong Kong have led to a greater understanding of Hong Kong's importance to the United States in its own right.

Hong Kong is the United States' 14th largest trading partner. United States entities have in excess of $7 billion invested in Hong Kong and 900 United States companies have offices in Hong Kong. The number of United States expatriates living in Hong Kong has almost doubled in the last decade and now stands at 23,000. More than 600,000 American tourists pass through Hong Kong every year.

We also care deeply, Mr. Speaker, about the 7 million people of Hong Kong, that their basic rights as human beings continue to be respected, that they continue to enjoy the economic freedom that has made them the envy of the world, that their opportunities to choose democratically their own leaders be reinforced and enhanced.

In 1997, China will resume sovereignty over Hong Kong under the provisions of the Sino-British Joint Declaration of 1984. The Joint Declaration guarantees Hong Kong a high degree of autonomy in certain areas and lays the groundwork for a one country, two systems policy. China will conduct Hong Kong's defense and foreign relations and Hong Kong will conduct its own affairs in the areas of trade, economics, finance, monetary issues, shipping, communications, tourism, sport, and culture.

It has become apparent to me, however, that the guarantees of autonomy for Hong Kong are meaningless unless

other nations step forward and amend their laws to allow for continued bilateral relations with Hong Kong after the Chinese resume sovereignty. Under current United States law, Hong Kong will be treated as a unified part of China after 1997 and the provisions of the Joint Declaration will be meaningless in the context of the United States-Hong Kong relationship.

For example, if Congress takes no action, Hong Kong would be treated as part of China for the purposes of export controls. In practical terms, this means that Hong Kong, one of Asia's largest and most advanced banking entities, would not have access to the state of the art American-made supercomputers they need to continue to serve business in Hong Kong, including American business because under our law these computers are not made available to China. Also, under current law Hong Kong would be treated as part of mainland China for purposes of trade quotas. This bill allows the United States Customs Service to give Hong Kong separate status and recognize Hong Kong certificates of origin after 1997.

The list goes on and on. Without a change in United States law it is unclear whether the United States could recognize Hong Kong passports or visas. Although Hong Kong holds membership in GATT, it is unclear whether the United States could give Hong Kong and China different MFN status after 1997 without this change in United States law.

Unless the United States takes specific action to tailor its laws to new realities, it will be supporting a one country, one system policy with regard to Hong Kong and China. This we must not do.

I introduced the United States-Hong Kong Policy Act in October 1991 to begin the process of formulating a coherent United States policy toward Hong Kong that will permit Hong Kong to exercise the autonomy granted to it in the Joint Declaration. The legislation we are considering today—which is very similar to a bill introduced by Senator MCCONNELL and passed by the Senate on May 21—is based on the tenets of the Joint Declaration and is designed to amend United States law to allow the United States to treat Hong Kong as a separate entity, where appropriate, after June 30, 1997.

I introduced this legislation because I believe that the United States has a very real, legitimate, and growing interest in the future of Hong Kong and must be pro-active in protecting its interests.

H.R. 3522 is based on the premise that Hong Kong will be allowed to exercise a high degree of autonomy after 1997. In order to exercise this autonomy in the context of a bilateral relationship with the United States, United States law must be altered to recognize Hong Kong's unique status.

Specifically, this bill recognizes that the People's Republic of China will resume sovereignty over Hong Kong after June 30, 1997, that the United Kingdom will be responsible for administration of Hong Kong before that date, and that Congress welcomes implementation of the one country, two systems policy under which Hong Kong will retain its current lifestyle, and legal, social, and economic systems until at least the year 2047.

The bill goes on to express the sense of the Congress that the United States should seek to establish bilateral ties with Hong Kong in economic, trade, financial, monetary, shipping, communications, touristic, cultural, sport, and other appropriate matters to the extent that Hong Kong is allowed to exercise autonomy in these fields under the Joint Declaration after 1997.

The bill would: encourage Hong Kong to maintain its Trade and Economic offices in the United States; support Hong Kong's participation in appropriate multilateral organizations, conferences and agreements, including GATT; encourage negotiation of bilateral trade agreements with Hong Kong; maintain separate import quotas for Hong Kong; support Hong Kong's access to dual use technology; recognize ships and airplanes registered in Hong Kong; encourage cultural and educational exchanges; and, guarantee the property rights of Hong Kong residents to their possessions in the United States.

These changes are absolutely essential if the United States wants to maintain a separate economic and cultural relationship with Hong Kong outside the shadow of China, and to protect United States interests in Hong Kong.

The Chinese are signatories to the Joint Declaration and have reiterated that they will vigorously adhere to its provisions. I applaud this commitment and encourage the Chinese to live up to their guarantees to Hong Kong. This legislation will help them do so.

This bill also contains provisions requiring that reports submitted to Congress on a country-by-country basis contain a separate subreport for Hong Kong under the heading of the state that exercises sovereignty over Hong Kong. In addition, the bill requires the Department of State to submit a series of reports detailing issues of interest to the United States regarding Hong Kong in matters relating to human rights, the transfer of sovereignty to China, United States-Hong Kong trade issues, democracy in Hong Kong, and Hong Kong's participation in multilateral forums.

I am very pleased that the administration and the Foreign Affairs Committee have worked together to produce a bill that is agreeable to everyone involved. Ties between the United States and Hong Kong are growing stronger every day and Congress needs to act now to ensure that the special relationship continues far into the future. A strong, confident, democratic Hong Kong is in the best interest of everyone involved and I urge Members to support S. 1731.

□ 2100

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

Mr. Speaker, I certainly would like to highly commend the gentleman from Illinois for his most comprehensive and substantive presentation of the facts before us relevant to the bill now being considered by the House.

Also I would like to personally add my commendations to the presence of the distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. SOLARZ. Mr. Speaker, for purposes for establishing legislative intent, I would like to clarify two points in S. 1731.

First of all, in section 103(11) of S. 1731, as amended, the bill expresses the sense of Congress that it should be the policy of the United States that the change in the exercise of sovereignty over Hong Kong should not affect ownership in any property, tangible or intangible, held in the United States by any Hong Kong person.

The term "Hong Kong person" is construed to mean: First of all, any natural person who has right of abode in Hong Kong, as that term is defined in the 1984 joint declaration concerning Hong Kong made by the United Kingdom and the People's Republic of China; and second, any corporation, company, association, partnership or other organization legally constituted under the laws and regulations of Hong Kong.

Second, in section 204 of S. 1731 as amended, the President is required to "Consult appropriately" with the Congress concerning the application of U.S. law to Hong Kong and the maintenance in force of certain international agreements. This requirement is construed to mean that the President or his representatives should consult with the chairman and ranking member of the House Foreign Affairs Committee and the Senate Foreign Relations Committee within 2 weeks of taking the actions contemplated in title II, or, if that is impossible—because, for example, Congress is out of session—to do so as soon as is feasible thereafter.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Illinois, Mr. PORTER, the sponsor of H.R. 3522, the United States-Hong Kong Policy Act of 1992, for his dedication and commitment to the people of Hong Kong. In addition, his leadership in attempting to create a radio free China and his concern for the plight of occupied Tibet, is most welcome to those of us who join him in his crusade for human rights and democracy throughout Asia.

In addition, I want to thank the chairman of the full committee, Mr. FASCELL, and the ranking minority member, Mr. BROOMFIELD, for bringing this bill to the floor at this important

time. I also want to commend Chairman HAMILTON, and the chairmen and ranking minority members of the Human Rights and International Organizations, Asia and the Pacific, and International Policy and Trade Subcommittees for their work on this important act.

The people of Hong Kong, their institutions and their spirit, will soon test the Communist Chinese leadership's tolerance for freedom of thought in a way that protests in Tienanmen Square and Lhasa never have.

The citizens of Hong Kong have lived and prospered under an economic system that has allowed for tremendous freedom of choice. After 1997, when the people of Hong Kong inevitably find themselves in a face-to-face confrontation with the soldiers of Communist China, the scenes on television and the accounts in the news media will vividly reflect the differences between a Communist system and one that allows for certain western expressions of freedom.

For decades the United States and China have been enriched as we benefited from Hong Kong's talents and achievements. We hope that the Communist authorities keep it that way. While the United States-Hong Kong Policy Act of 1992 seeks to cushion the blow of the Communist takeover, nothing guarantees that the authorities in Beijing will permit the people of Hong Kong to continue their productive and creative way of life.

The United States-Hong Kong Policy Act of 1992 is a bold attempt to lend support for the brave people of Hong Kong. Once it is passed and signed into law, I look forward to help assure that our Foreign Affairs Committee oversees its rigorous enforcement.

Accordingly, I urge my colleagues to support H.R. 3522.

Ms. PELOSI. Mr. Speaker, I rise in support of S. 1731 which outlines U.S. policy toward Hong Kong after 1997. I would like to commend the gentleman from New York [Mr. SOLARZ] for his efforts to move this bill through the House. We all are beneficiaries of his tremendous knowledge of Asian affairs.

Mr. Speaker, at this juncture in the history of Hong Kong, it is critical that the United States reaffirms its longstanding policy of support for the integrity of Hong Kong's economic and political life. Poised on the brink of a union with China that could threaten the very existence of their nascent democratic institutions, the people of Hong Kong need the protection of world attention. American pressure on the Chinese Government to adhere to the terms of the joint declaration signed with Britain in 1984 could play an important role in preserving Hong Kong's current legal, social, and political conditions.

This bill is important because it implicitly supports a strict interpretation of the one country, two systems principle contained in the joint declaration. By reaffirming our intention to maintain separate diplomatic and economic links with Hong Kong and China, we will encourage Hong Kong's autonomy and provide some protection to its people.

Given the deplorable record of the Chinese Government on human rights and considering the thousands of pro-democracy advocates who remain incarcerated in China today, it is imperative that this House maintain its support of those in Hong Kong who have been calling for the establishment of democratic institutions. In particular, Martin Lee and the United Democrats as well as members of the Hong Kong Alliance—these people understand the importance of developing viable democratic institutions before the Chinese take control as a means of safeguarding the basic freedoms of Hong Kong citizens. They are among those who stand to suffer should a Chinese Government crackdown on dissent occur after 1997.

Last year, I had the opportunity to lead a congressional human rights delegation to China and Hong Kong. We met with pro-democracy advocates, business men and women, government officials. We found in Hong Kong a center of economic vitality and cultural activity that has few rivals. However, the air is filled with uncertainty over what will transpire when the Chinese regime takes power. I believe that S. 1731 will help alleviate some of that uncertainty. I urge my colleagues to vote for passage.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and pass the Senate bill, S. 1731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An act to set forth the policy of the United States with respect to Hong Kong, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALEOMAVAEGA. 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 S. 1731, the Senate bill just passed.

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

There was no objection.

WELCOMING ISRAELI PRIME MINISTER YITZHAK RABIN TO THE UNITED STATES

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution House Concurrent Resolution concerning Israel's recent elections and the visit by Israeli Prime Minister Yitzhak Rabin to the United States.

The Clerk read as follows:

H. CON. RES. 355

Whereas the Israeli public recently went to the polls to participate in the only fully free and democratic elections in the Middle East;

Whereas Israel has faced serious outside threats to her existence since 1948 and has never compromised the democratic system upon which the nation was founded;

Whereas as a result of democratic elections, a peaceful and orderly transfer of power has taken place;

Whereas the elections and debate leading to them demonstrated to the world the openness and vibrancy of Israeli democracy;

Whereas Israel is actively committed to the absorption of close to 1,000,000 refugees over the next several years;

Whereas Israel remains committed and engaged in the Mid-east peace process and is seeking an acceleration of that process; and

Whereas Israeli Prime Minister Yitzhak Rabin is currently visiting the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the citizens of Israel on concluding fair and open democratic elections;

(2) welcomes Prime Minister Rabin to the United States and applauds his statements and actions encouraging active participation in the search for peace; and

(3) calls upon all parties in the region to actively and seriously engage in the peace process.

The SPEAKER pro tempore. Pursuant to this rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. Speaker, I rise in strong support of H. Con. Res. 355 concerning Israel's recent elections and the visit by Israeli Prime Minister Yitzhak Rabin to the United States.

Philosophers for centuries have been debating whether it is the man or the circumstance that molds history. While I do not pretend to have an answer to that age-old question I do know that we may well be at one of those historical crossroads. The prospects for a path toward peace in the Middle East have not looked so hopeful since Camp David.

The recent elections in Israel have given Prime Minister Yitzhak Rabin a coalition within the Knesset that is looking for solutions and not confrontation. Prime Minister Rabin may well be the man with the right circumstances to take those first steps toward a lasting peace. I only hope that the Arab neighbors of Israel recognize this moment in history for the true opportunity it is.

We welcome Prime Minister Rabin to the United States and wish him all Godspeed in his efforts in the search of peace.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would like to thank the distinguished gentleman from American Samoa for yielding to me, and commend him and the distinguished chairman and the Committee on Foreign Affairs for their leadership and hard work in bringing this resolution to the floor in such a timely manner.

With President Bush's announcement this morning that the administration has reversed its position on loan guarantees for Israel, this resolution helps to demonstrate the desire of the American people to renew and strengthen our support for a strong ally in the Middle East.

As the gentleman from Florida well knows, the new government of Israel has taken several steps since coming to office which show its determination to move the Middle East peace process forward. In his first major policy speech to the Knesset, Israeli Prime Minister Yitzhak Rabin urged the Palestinians to take their destiny into their own hands, stating, "Don't miss this opportunity that may never return. Take our proposal seriously."

I concur with Mr. Rabin, and it is my hope that passage of this resolution will encourage all parties to the peace negotiations to continue to negotiate in good faith—to take each other's proposals seriously—in the interest of regional peace and prosperity in the Middle East.

For this reason, Mr. Chairman, I want to bring to your attention a resolution I have introduced today, which calls for all the parties to further advance their proposals which provide for democratic elections and self-rule in the West Bank and Gaza.

I believe the language of my resolution complements the language of the resolution now before us, and it recognizes the next logical step to be taken to help shape a lasting peace in the Middle East. I hope the gentleman's committee will be able to consider this resolution that I have introduced today.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman from Michigan for his leadership in focusing on later steps in the peace process. I agree that this is an important step on the ongoing peace talks, given that there seems to be a door open for successful negotiation of many issues. It will not be possible for the Foreign Affairs Committee to consider this matter before the district work period. However, when we return, the committee will give proper consideration to the gentleman's resolution.

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

Mr. Speaker, I am happy to be a sponsor of this resolution.

House Concurrent Resolution 355 congratulates Israel for its recent free election, and commends Prime Minister Rabin for his excellent work in the search for peace. It also calls upon the nations in the Middle East to seriously engage in the peace process.

For many years, Mr. Speaker, I have closely watched developments in the Middle East—a region long troubled by wars, terrorism and tensions.

Many peace initiatives have failed in the past. The current effort, however, gives me renewed hope that the longstanding disagreements between Israel and her Arab neighbors can be resolved, not through the barrel of a gun, but across the negotiating table. Everybody in the region, Israelis and Arabs, will benefit from peace.

I want to commend the fine work of President Bush and Secretary Baker in putting the Middle East dispute at the top of their foreign policy agenda. While they are committed to a strong Israel with secure borders, they also realize that the Israeli people and future generations deserve to have a harmonious relationship with their neighbors.

Prime Minister Rabin, who is now visiting the United States, merits our praise and admiration. He was bravely turned around the United States-Israeli relationship which has suffered in recent years. His meeting with President Bush is symbolic of the new dialog between Washington and Tel Aviv.

The Prime Minister has wisely modified the Israeli government's housing policy in the occupied territories and has canceled the building of over 6,000 housing units. While he has been criticized by some for this policy, he has firmly stood his ground in the interest of peace.

The Prime Minister has also recommitted his government to the next round of Middle East talks and will inject new momentum into the negotiations. I am confident that this series of meetings will be productive and will demonstrate the deep commitment of the Rabin government to find a solution to the problems in that turbulent region.

Israel is now struggling to settle over 400,000 refugees from the former Soviet Union who have chosen to return to their homeland. Facing this massive influx of people, Israel's economy needs all the help that it can get. As a complement to the policy changes of the new Rabin government, now is an appropriate time to extend the long-delayed housing loan guarantee package to Israel.

The President's successful meeting with the Prime Minister, followed by the administration's announcement today that it would submit a loan guarantee proposal, signifies a new relationship between America and our ally, Israel.

I welcome the Prime Minister to Washington and encourage him to continue to bravely walk down the road to peace in the Middle East. Our two nations can work together to strengthen our longstanding relationship.

I urge my colleagues to join me in supporting this important resolution.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for Senate Concurrent Resolution 133, and I commend the distinguished chairman of our Foreign Affairs Committee [Mr. FASCELL], as well as our distinguished ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD], for their expeditious consideration of this important resolution.

Since 1948, Israel has faced incredible challenges to its very existence. Throughout its neophyte history, Israel has never compromised the democratic principles upon which it was founded.

As we all know, and a result of democratic elections, a peaceful and orderly transfer of power has taken place. We in the United States, and in fact, most everyone in the international community watched as these elections, and the debate leading up to them, demonstrated to the world the vitality of Israeli democracy.

In less than 1 month in office, Israel's new prime minister has taken bold new initiatives to promote peace. Prime Minister Yitzhak Rabin has moved to accelerate the peace process, improve United States-Israeli relations, and redirect resources toward helping the absorption of Israel's new immigrants.

Mr. Speaker, this resolution congratulates the citizens of Israel on conducting a free and fair election; it welcomes Prime Minister Rabin to the United States and applauds his statements and actions; and calls upon all parties in the Middle East to actively and seriously engage in the peace process.

This is an appropriate and timely resolution. Accordingly, I urge our colleagues to give it their unanimous support.

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 355, a bill of which I am a proud cosponsor.

The Israeli elections in June and the smooth transition of power from the Likud government to the Labor Party is testimony to the democratic foundations upon which the State of Israel rests. And, I was very happy to see the warm reception that Prime Minister Rabin received from the President in Kennebunkport yesterday.

A few weeks ago, I along with 150 of our colleagues in the House wrote President Bush to urge the expeditious consideration of a package of loan guarantees for Israel. Israel is facing a severe economic and housing crisis as it struggles to absorb tens of thousands of immigrants from the former Soviet Union. And, today's announcement that the United States will guarantee loans is a very positive development.

The loan guarantee announcement from Mr. Rabin and President Bush are the most recent evidence that United States-Israeli relations are regaining warmth after the chill that had come over them during the last years of Likud's reign in Israel.

Mr. Speaker, the Israeli elections, the actions of the Labor government in curbing settlements in the occupied territories, the Rabin-Mubarak summit, the Bush-Rabin meetings, and the announcement that the Madrid peace

talks will resume once again in a few weeks are all very, very encouraging signs for the future of United States-Israeli relations. These events serve to remind us that the United States has had and will continue to have a special relationship with the State of Israel.

So, it is with that special relationship in mind that I rise in strong support of House Concurrent Resolution 355, and in strong support of the only democratic State in the Middle East, the State of Israel.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 355).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2110

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered and agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

CONCERNING THE SITUATION IN BOSNIA-HERCEGOVINA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 554) concerning the situation in Bosnia-Hercegovina.

The Clerk read as follows:

H. RES. 554

Whereas attempts to bring about a permanent cessation of hostilities precipitated by Serbia and Serbian-backed forces in the independent state of Bosnia-Hercegovina through negotiations have repeatedly failed;

Whereas horrible atrocities are being committed against the civilian population of Bosnia-Hercegovina, including the "ethnic-cleansing" of regions inhabited by non-Serbs, the forced detention, ill treatment, and torture of persons in internment camps, and other gross violations of internationally recognized human rights;

Whereas officials of the International Committee of the Red Cross have been denied access to prisoner-of-war camps and internment camps throughout Bosnia-Hercegovina even though they are entitled to such access under Article 143 of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War;

Whereas United Nations and Red Cross relief convoys carrying much needed supplies of food and medicine are being repeatedly blocked and, in some cases, have been attacked by Serbian-backed forces;

Whereas the United Nations Security Council voted unanimously to dispatch forces to reopen Sarajevo's airport, and the delivery of supplies of humanitarian assistance to the city's beleaguered population has taken place under the protection of these forces with great difficulty;

Whereas the Security Council adopted Resolution 757 imposing economic sanctions on Serbia and Montenegro, and also endorsed the cease-fire plan negotiated by the envoy of the European Community which would place all heavy weapons in the possession of factions in Bosnia-Hercegovina under international supervision;

Whereas the President of the democratically elected Government of Bosnia-Hercegovina has issued urgent appeals for immediate assistance from the international community;

Whereas the situation in Sarajevo and elsewhere in Bosnia-Hercegovina has reached a critical point requiring immediate and decisive action by the international community; and

Whereas the absence of immediate and decisive action by the international community against aggression in Bosnia-Hercegovina could encourage the spread of violent conflict elsewhere in the former Yugoslavia and the Balkans generally, as well as in other regions plagued by ethnic tensions: Now, therefore, be it

Resolved,

SECTION 1. SUPPORT FOR DECISIVE ACTION.

The House of Representatives supports President Bush's statement of August 6, 1992, and commends him—

(1) for taking decisive steps to put pressure on Serbia to stop the conflict, including through—

(A) the diplomatic and political isolation of Serbia,

(B) the strict enforcement of sanctions provided for in United Nations Security Council Resolution 757,

(C) the implementation of the Security Council-endorsed plan to place heavy weapons belonging to all factions in Bosnia-Hercegovina under United Nations supervision, and

(D) the resumption of peace talks among all parties to the conflict; and

(2) for urging the United Nations Security Council to authorize measures, including the use of military force, necessary to ensure the provision of humanitarian relief to the people of Bosnia-Hercegovina.

SEC. 2. ADDITIONAL STEPS TO ADDRESS THE CRISIS.

The House of Representatives urges the United Nations Security Council to consider means by which—

(1) United Nations and International Committee of the Red Cross personnel shall be granted immediate, unimpeded, and continuous access to all refugee camps, prisoner-of-war camps, internment camps, and other places of detention in all of the republics of the former Socialist Federal Republic of Yugoslavia; and

(2) civilians in Bosnia-Hercegovina shall be protected from the use of force and violations of the laws of war.

SEC. 3. INTERNATIONAL WAR CRIMES TRIBUNAL.

It is the sense of the House of Representatives that an international tribunal should be convened—

(1) to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Socialist Federal Republic of Yugoslavia; and

(2) to accumulate evidence against, charge, and otherwise prepare the basis for trying, any individual whom the tribunal has probable cause to believe is responsible for or committed such crimes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. Speaker, I am pleased to bring before our colleagues House Resolution 554 concerning the situation in Bosnia-Hercegovina.

I'd like to commend the chairman of the Helsinki Commission and the chief sponsor of this measure, the distinguished gentleman from Maryland [Mr. HOYER] for his commitment and leadership on this issue. This resolution is the product of the joint efforts of the Commission on Security and Cooperation in Europe and the Committee on Foreign Affairs to allow the House the opportunity before the August recess to address the deplorable and deteriorating situation in Bosnia. It is not perfect. In an effort to garner the widest possible bipartisan support, the resolution necessarily reflects a compromise between those who think it goes too far and those who think it doesn't go far enough. However, despite its shortcomings, it is important for the House to condemn the widespread abuses of human rights and attacks against civilians that are taking place in Bosnia and to urge the international community to urgently address this crisis.

The need for swift consideration of this resolution is clear. The situation in Bosnia-Hercegovina is critical. There is overwhelming evidence that the Serbian authorities are pursuing a reprehensible policy of ethnic cleansing in Bosnia-Hercegovina and that the Serbian authorities have condoned the formation of a whole series of detention camps, some of which, evidence indicates, are in fact death camps. These crimes against humanity and violations of basic human rights and fundamental freedoms are in addition to the well-documented tactics of the Serbian forces in Bosnia-Hercegovina which, as a matter of military policy, have targeted and bombed civilian populations and continue to interfere in the delivery of humanitarian assistance. The Serbs are not alone in perpetrating these atrocities, but they must shoulder the burden of the blame.

This resolution, which has wide bipartisan support and is similar to language being considered in the other

body, calls on the President to take a decisive, strong leadership role in mobilizing international pressure on Serbia to cease its continuing aggression and massive human rights violations in Bosnia-Hercegovina. The resolution supports President Bush's policy of pressing for a U.N. Security Council authorization of the use of multilateral military force to ensure delivery of humanitarian relief to Bosnia. The resolution also urges the U.N. Security Council to consider additional means by which U.N. and International Red Cross personnel can gain access to prisoner of war camps and civilians in Bosnia can be protected from the use of force and violations of the laws of war.

Finally, the resolution calls for the convening of a tribunal to investigate allegations of war crimes on the territory of the former Yugoslavia.

Mr. Speaker, the need for this resolution is compelling and urgent. We must ensure that our Government, together with the international community, takes swift, decisive action to end the suffering in Bosnia-Hercegovina and to secure a peaceful resolution to the tragic conflict in the former Yugoslavia.

I urge strong bipartisan support for this important expression of concern and call for decisive action.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER] and I ask unanimous consent that he be allowed to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa [Mr. FALEOMAVAEGA]?

There was no objection.

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

Mr. Speaker, I want to commend the good work of Chairman FASCELL, and Congressmen HAMILTON and HOYER for crafting this important legislative initiative. I also want to salute my friend BEN GILMAN for his continuing leadership on Yugoslavia issues.

The resolution before us supports the President's recent statement on the tragedy of Bosnia, and urges the United Nations Security Council to authorize measures, including the use of military force, to ensure that humanitarian relief reaches Bosnian citizens. It also urges the Security Council to consider means for gaining access to all of the refugee camps in former Yugoslavia. Finally, it suggests the convening of an international tribunal to investigate war crimes allegations and try individuals who have committed such crimes.

The newspapers report daily of the continuing tragedy in what was once Yugoslavia. The Serbian President, Slobodan Milosevic, is primarily responsible for the horrible events unfolding there. A few years ago, he cleverly played the ethnic card by claiming that Serbians were being threatened in some part of the former Yugoslavia. Contrary to his actions on this policy, Milosevic still claims that he is not responsible for the present bloodletting in Bosnia. The facts show, however, that he is the architect of that human disaster.

The ongoing carnage in Bosnia is undoubtedly the worst conflict Europe has seen since the end of the Second World War. Since the fighting began in Croatia and Bosnia, 20,000 people have been displaced. Damage to the economies and the infrastructure there exceeds $100 billion.

In carrying out the Serbian leader's policy of building a "greater Serbia," entire non-Serbian areas of Bosnia are being ethnically cleansed. Several towns have been surrounded and destroyed. Sarajevo is just one example of this destruction. Equally pitiful is the intentional shelling of Bihac and Gorazde. In these towns, women and children are being killed by random fire from Serbian guns. All of this is happening in Bosnia, a republic once recognized as a model of ethnic harmony.

The world was shocked by recent stories of internment camps in Bosnia where people are being executed, tortured, and starved. These camps remind me of the Nazi death camps in Germany some 50 years ago that the world largely ignored. With history as our guide, we must not allow such a tragedy to occur again.

I have been watching the events in the former Yugoslavia and have urged the Foreign Affairs Committee and the House to speak out on this international crisis. The resolution before us is a step in the right direction. Today at the Security Council, a strongly worded resolution is also being drafted that includes many of the objectives we have outlined in this resolution.

Not included in these resolutions is a personal concern of mine involving arms sales. The internationally imposed arms embargo in Yugoslavia appears to be hurting some while helping others. The Serbian arms industry continues to produce weapons for federal and irregular Serbian forces. In addition, large volumes of weapons are being smuggled into Serbia. The arms embargo on former Yugoslavia actually hurts the Croatians and the Bosnian Moslems who cannot get weapons to fight against the well-armed Serbian federal army and Serbian irregulars. In a sense, we might be encouraging Serbian aggression by ensuring that the Croatians and Moslems are less capable of defending themselves.

Finally, I am pleased that the administration is taking the lead in addressing this human tragedy and urging our allies to become more involved. In building the New World order, we cannot afford to turn our back on the ongoing disorder in Bosnia.

I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio, Mr. CHALMERS WYLIE.

Mr. WYLIE. I thank the gentleman from Michigan very much for yielding me this time.

I want to compliment the gentleman for his strong statement in support of this very important resolution.

Mr. Speaker, I want to commend the leadership for bringing this resolution up at this time and thank them for including me as a cosponsor.

The resolution addresses the horrible atrocities being committed by Serbia and Serbia-backed forces in the independent state of Bosnia-Hercegovina. It is unfortunate that the Serbian aggressors have defied the U.N. resolution demanding that they cease hostilities and withdraw from Bosnia. They also have ignored trade and travel sanctions imposed on them by the U.N. Security Council, and they have ruthlessly pursued a policy of ethnic purification reminiscent of Nazi Germany during World War II, as the gentleman from Michigan [Mr. BROOMFIELD] mentioned.

They have set up detention camps where there is evidence of torture and murder of the detainees. They fired on the U.N. peacekeeping force. They have blocked and attacked Red Cross relief convoys carrying desperately needed supplies to the people of Saravejo. They have callously fired on and killed innocent civilians, including children, trying to escape from harm's way.

Well, enough is enough, Mr. Speaker. The President has joined in calling for the use of military force, if necessary, to ensure that humanitarian relief gets through. I strongly support that action, which is in line with House Resolution 490, which I introduced back on June 17. My resolution is identical to the one passed by voice vote in the Senate on June 12. It calls upon the United Nations to develop a plan, should military intervention be needed to enforce the U.N. resolutions. To date, 103 of you have signed on as cosponsors.

Mr. Speaker, I might point out as a personal aside that my wife, Marjorie, our daughter, Jacquelyn Poston, and granddaughters Tammy and Pamela Poston, have visited this area before the fighting broke out. While there, they made friends with a priest named Father Phillip Pavich, who recently came to the United States to tell of the horrors and atrocities now occurring in his country.

After meeting with Father Pavich and hearing of the crimes against his people, I felt that we must send a signal to the Serbian aggressors that these despicable actions will no longer be tolerated and the United Nations should take action to enforce its resolutions.

That is when I introduced House Resolution 490. I mention this, Mr. Speaker, as a prelude to my support for this resolution tonight as an effort to restore order to this very troubled land.

□ 2120

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

Mr. Speaker, I rise on behalf of the resolution which, if adopted, will send a strong message to all sides of the tragic conflict in Bosnia-Hercegovina. To those who have been forced to witness the deaths of loved ones, the destruction of their homes, and the brutal annihilation of their country, this resolution says: we support you, and will do what we can to ease your suffering and stop the bloodshed. To their attackers, it says: you will be held fully responsible for your unprovoked aggression and unforgivable crimes against humanity.

This resolution has essentially three objectives: First, it supports the stated objectives and actions of President Bush on August 6, 1992, in responding to the tragic situation unfolding in Bosnia-Hercegovina; second, it urges the U.N. Security Council to consider effective means to inspect the detention camps, by whatever means, in which are alleged to be occurring atrocities reminiscent of Hitler's camps in the 1930's and 1940's, and to protect civilians from violence visited upon them by warring factions; and third, it calls for the convening of an international tribunal whose objective is to hold accountable war criminals.

I believe the overwhelming majority of Americans and Members of this body support all of those objectives. I realize, however, that there will be those who will say that this resolution does not go far enough. I am sympathetic to that criticism. Indeed, I could and would support a stronger resolution.

What is important, however, is that we speak to this issue in as forceful and united fashion as possible. And, that we do now. Many of us have been calling for some time for specific and forceful action relating to the violence erupting in the Balkans as Yugoslavia dissolves into constituent parts. In fact, Senator DECONCINI as I, as Co-chairman and Chairman of the Commission on Security and Cooperation in Europe, wrote to President Bush on July 23, 1992, urging decisive action in response to the deteriorating situation in Bosnia-Hercegovina.

At that time, we pointed out that the extreme gravity of this situation is indisputable. The situation, if anything, is worse today.

Mr. Speaker, I include that letter at this point and time in the RECORD.

The letter referred to is as follows:

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC, July 23, 1992.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to urge you to take immediate and decisive action in regard to the rapidly deteriorating situation in Bosnia-Hercegovina. We commend the efforts you have already taken, through such multilateral bodies as the United Nations and the Conference on Security and Cooperation in Europe (CSCE), to bring about a resolution of the conflict, but, unfortunately, they have not had their desired effect.

The extreme gravity of this situation is indisputable. Negotiated ceasefires have repeatedly failed, and humanitarian relief arriving at Sarajevo airport is seriously threatened by continued shelling. The fighting has intensified, and, along with it, the suffering of the people of this republic grows. The number of dead and injured rises daily. The more than one million refugees is already above that for which neighboring countries can reasonably provide. The reported conditions in Sarajevo are appalling, and the unspeakable atrocities being committed against the civilian population are beyond comprehension. We know little of what is happening in towns and villages elsewhere in Bosnia-Hercegovina, but, based on the information that does make it through, we can assume the worst.

Our real fear is that, in light of the present situation, the international effort to restore peace may soon unravel, and all conflicting parties in Bosnia-Hercegovina will rapidly conclude that their only chances lie in devoting their full strength to waging war. If this happens, humanitarian relief will become impossible, and the number of additional dead, not to mention the displaced and refugees, will be staggering, especially as cold weather begins to set in. Fighting will likely spread with ease to the Sandjak region of Serbia, to Albanian-inhabited Kosovo, and perhaps to Macedonia, which, unfortunately, still has not been recognized. As the conflict does spread to these other regions, the chances for countries like Albania, Greece, Bulgaria and Turkey to be drawn into the fighting and perhaps confrontation with each other will certainly increase.

In short, we feel that the crisis has reached a defining moment in its development, confronting the international community with a critical choice between becoming more directly involved or allowing the combatants to destroy each other and the innocent people in their way, as they most certainly will.

Of course, the choice taken depends largely on the national interests of the chief international actors. For the United States, our view is that the national interest in stabilizing the Balkans is clear. A Balkan war can, as history has repeatedly shown, lead to a wider European war that draws in our friends and allies, and failure to stop the aggressors here will send an undesirable message to those seeking violent change elsewhere, such as in the former Soviet Union. Moreover, the suffering in Bosnia-Hercegovina is of such magnitude that our moral responsibility as a world power comes into increasing confluence with our national interest.

Unfortunately, there are other desperate situations in the world that also cry out for international help or necessitate forceful action, and the United Nations is heavily burdened in seeking to organize satisfactory responses to these situations. Yugoslavia, however, is in Europe, where there is sufficient regional military force available through NATO and the WEU. Moreover, there is the CSCE, a regional body that, with recently enhanced capabilities, only requires the political will of the participating States, using your words at the recent Helsinki summit, to develop a credible Euro-Atlantic peacemaking-peacekeeping capability.

The action which we feel is necessary, and therefore urge you to take, is to seek a multilateral effort to secure the provision of humanitarian relief to Sarajevo and throughout Bosnia-Hercegovina. To start, the United States should move quickly to obtain U.N. Security Council authorization to take action by military force as may be necessary to give effect to its decisions. The Charter of the United Nations, Chapter VII, Article 42, provides a basis for this authorization. The CSCE, and the NATO and WEU resources put at its disposal, could be given appropriate tasks in light of the decisions taken by the Security Council. Second, the current sanctions on Serbia/Montenegro should be maintained until they do prove effective, and greater efforts undertaken to ensure compliance with them in light of reports of violations.

As you correctly stated in Helsinki regarding the nightmare in Bosnia-Hercegovina: "First, we should see to it that relief supplies get through no matter what it takes. And second, we should see to it that the United Nations sanctions are respected no matter what it takes. And third, we should do all we can to prevent this conflict from spreading. And fourth, let us call with one voice for the guns to fall silent through a ceasefire on all fronts." We feel that now is the time for a clearly stated expression of our country's strong resolve to bring these goals to fruition, as well as for the greater exercise of U.S. leadership as it works with its partners in this important undertaking. We therefore ask that you give our requests your most immediate and serious consideration.

Sincerely,

DENNIS DECONCINI,
Co-Chairman,
STENY H. HOYER,
Chairman.

Mr. Speaker, the resolution we offer today enjoys broad, bipartisan support. In it we commend the President for his actions of August 6, 1992.

It would also be very appropriate to note that Gov. Bill Clinton some 10 days before the President's statement, called for specific and decisive United States action, in concert with the international community, to confront the Yugoslav conflagration.

Outweighing the risks of action are the clear risks of inaction.

First, there are the risks—indeed the virtual certainties—that tens of thousands more, innocent people, will die, if not by the sniper's bullet, then by cruel starvation and hideous torture in the interment camps set up by the Serbian forces as part of their reprehensive ethnic cleansing. Now that we know of these camps and of these atrocities, additional deaths will no longer be just the responsibility of the murderers but, in part, of ours as well.

We can also be sure that the aggressors in Bosnia-Hercegovina will look for our inaction as a sign that they can continue if not escalate their inhumane deeds with impunity.

Second, there is the risk to our own national interests. War in one part of the Balkans can lead to war throughout the entire peninsula. In the past it enveloped the European continent to the point that America was drawn into the conflict. We have many friends and allies in this region, beyond Bosnia-Hercegovina, increasingly threatened by this war.

If they are drawn into it, so inevitably will we. Then our options will be more limited. This is the danger our Nation faces if we do not act now. The situation calls for a leadership that only the United States can provide.

Mr. Speaker, the people of Bosnia-Hercegovina did not want this war, a war that would certainly destroy their country and themselves.

As Bosnian Foreign Minister Haris Silajdzic said during a Helsinki Commission hearing on this subject: "Bosnia-Hercegovina is now being punished for opting for peace and not preparing for war." The least we can now do for them and their country is to take a firm and principled stand by passing this resolution now.

Mr. Speaker, I would suggest to my colleagues it is in the interest of our Nation, it is in the interest of regional security in the Balkans, it is in the interest of international peace in years to come, and, in any event, it is a moral imperative.

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

Mr. BROOMFIELD. Mr. Speaker, I yield 10 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I want to express my appreciation to the distinguished gentleman from Michigan [Mr. BROOMFIELD] who has done a very outstanding job over the years as the ranking minority member on the Committee on Foreign Affairs.

Mr. Speaker, I rise in opposition to this resolution. I certainly support the movement of humanitarian aid to all peoples in this beleaguered nation. However, there is no way that I can consciously send American men and women into a situation which is, according to Stephen Hadley, Assistant Secretary for Defense for International Security Policy, "a blood feud whose roots go back centuries and that has resulted in some of the most brutal communal violence in the history of Europe."

Today, at a Senate hearing on this very subject, Canadian General Lewis Mackenzie, until a few days ago the head of the U.N. effort in Sarajevo stated that there is no military solution in Bosnia. The General said,

> There is no way that intervention will do anything but escalate the fighting and more people will be killed.

According to the General, even escorting humanitarian relief efforts is a step too far. He said, and I quote:

> If you drive down the road escorting a convoy with air cover. . . you have just taken the first step in getting mired in the Balkans.
>
> You'll have Americans killed, and you will want to do something about it, you can't isolate it, make it nice and sanitary.

And according to Secretary Hadley, today at the same hearing,

> The precedent [in Bosnia-Hercegovina] is Lebanon, not Kuwait, and on a much larger scale and with an enormous number of arms on all sides.

Mr. Speaker, General MacKenzie and others have estimated that the troop strength needed to secure Sarajevo airport alone would range from 60,000 to 120,000 men. And General MacKenzie, when asked about the size of a force needed to pacify Bosnia-Hercegovina stated,

> If there were resistance throughout Bosnia-Hercegovina and you had to occupy it, you could be talking up to 1 million troops.

And, knowing the combatants, any fighting force will take casualties. Bosnia-Hercegovina is where partisan fighting originated, and the remnants of former Yugoslavia's home defense still exist, a defense which was based on caches of war material warehoused throughout the federal republic, and the industry to support it.

And not that this is my only concern with this resolution, although it is a major one. This resolution is flawed from its inception if the concern of this body is to bring about peace on the Balkan peninsula. It assigns guilt and thereby proclaims innocent major participants in this tragedy. We should not make ourselves judge and jury of the various sides in a civil war being waged in a faraway land when responsible witnesses—on the ground—find the leadership on all sides to be at fault. The only innocent are the civilians . . . Muslim, Croat, and Serb.

In an interview in this week's Time magazine, General MacKenzie said,

> When people ask me whom do you blame, I say "Give me the day and the month and I will tell you." What the Serbs did three months ago was totally unacceptable: the city was bombarded, civilians were targeted. Today it is more complex. What we see now from the Bosnian presidency's side is that it's in their best interest to keep the thing going and get the Serbs to retaliate in order to convince the international community that intervention is a good idea. So I blame both sides.

And according to General MacKenzie at today's hearing, the Serb faction in Bosnia is ready to negotiate a settlement anytime, anywhere. He said that it was the Bosnian Presidency that was unwilling to negotiate. When he was asked what his course of action would be if he were a senator, he stated that he would make it clear that there would be no intervention—"Rip the rug of intervention out" I think is how he put it—in order to force the Bosnian Presidency to sit down at the negotiating table.

Mr. Speaker, these are my reasons. This resolution is not the only option. Getting aid in to these poor embattled people is tantamount, but some aid is already reaching the populus through the current efforts of the United Nations.

The only way out of this mess—and the only way to truly ensure the long-term health and well-being of the population—is to force the combatants to the table. As General MacKenzie stated, if you remove the carrot of military intervention, the parties will sit down and negotiate.

I am not a military expert. I have been on the ground only in one war—Vietnam—and there, as a reporter, not a soldier. Therefore, I must go along with the opinion of an apolitical military expert—General MacKenzie. I cannot support any military intervention in the Balkans.

Evidence abounds that the United States has been inundated with a professionally run public relations campaign on behalf of Croatia which makes the treatment and fairness of information out of the Balkans highly suspect. This is spelled out in this week's issue of New Statesman in an article entitled "Spin Doctors of War", "The Marketing of Balkan Atrocities." As an example, the Bishops of the Serbian Orthodox Church appealed to the world on May 27, 1992, to investigate conditions in 22 detention camps where Serbian civilians were being held illegally, under terrible conditions in Bosnia and Hercegovina. This appeal was at least months before the world press discovered the Serbian camps. We still await the visits of the press to the Croat/Muslim internment camps.

While the internment of any noncombatants is inexcusable and torture unforgivable, it is best, before a rush to judgment on anyone's part, to be aware of all of the camps, being maintained by all sides and to accept evidence only from the International Red Cross or some other impartial organization. Evidence presented, thus far, is only anecdotal gathered by reporters.

The lack of world attention to the plea of the Orthodox Church is akin to the silence which has greeted the acknowledgment by the United Nations of the presence of the Croatian troops in western Hercegovina. Long after the pull-out of the Yugoslav Army, troops of a foreign state are occupying a portion of that beleaguered state, yet one hears no calls for them to return to their own territory.

Mr. Speaker, again I want to point out I have no problem with the humanitarian aid movements and the punishment of those who have committed war crimes. I want no American life lost over there.

□ 2130

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the distinguished gen-

tleman from Wisconsin [Mr. MOODY]. I might say the gentleman has traveled with the commission to Yugoslavia, has met with Mr. Milosevic and others there, and has been a valued member of a delegation traveling to Yugoslavia.

Mr. MOODY. Mr. Speaker, having visited Yugoslavia with Chairman HOYER as part of the Helsinki Commission 2 years ago. I returned to Yugoslavia in December of last year and met in Sarajevo with President Izetbegovic and with Serbian and Croatian leaders in Bosnia. I also met with Mr. Tudjman and Mr. Milosevic in their respective capitals of Zagreb and Belgrade, as well as military leaders on both the Serbian and Croatian side.

I also lived in the country for 2 years and speak the language and have tried to follow events there closely.

I think all of us must condemn the violence and the atrocities against civilians that have taken place in this troubled land. What we are witnessing, of course, is an age old conflict predominantly between Serbs and Croatians that springs from religious differences. Tragically, these differences have been exploited by various people to alienate two people, Croats and Serbs, both of whom are wonderful people with so many rich traditions, dividing really only along religious lines. In many ways the Moslem citizens of Bosnia have been the chief victims, although some of their leaders have not been victims, but have been perpetrators.

Some facts are important for us all to keep in mind about Bosnia. First is that this is not an invasion. It is not an international conflict—1.2 million Serbs live in Bosnia and have lived there for over 800 years. They are not coming into Bosnia. They live there. This is not an invading force. They are fighting for what they perceive to be their own survival. You may disagree, but it is important to understand where they are coming from.

Second, the question of arms importation. Bear in mind that Bosnia was the predominant arsenal of the Yugoslav army for the last 50 years. Most of the military equipment, the ammunition, and so forth, was manufactured in Bosnia for the huge and well-equipped Yugoslav army. Bosnia has been absolutely brimming with arms of all descriptions for the last 50 years. It is not as though they had to be brought into Bosnia, they were manufactured there. But it is also true the Yugoslav army left many of them behind and turned over ownership to Bosnian Serbs, and they have been used more by Serbian forces than any other.

Let me now speak briefly on the resolution before us, H.R. 554. My two problems with this resolution are: First, it is one sided in several aspects and second, it accepts as fact some assertions that independent observers have disputed.

There are no angels in this conflict, between the three sides—Serbs, Croats, and Moslems—and each side has plenty of victims, mostly noncombatants.

To put the situation in perspective, I submit for the CONGRESSIONAL RECORD an interview by Gen. Lewis MacKenzie, the outgoing head of the U.N. peacekeeping forces in Sarajevo, that appeared in the August 7, 1992, issue of Time magazine.

One of the salient point he makes is that the single most important thing to do to improve the situation in Bosnia is for the Moslem leader, President Izetbegovic, to agree to negotiate with the Serbs living in Bosnia.

This he has flatly refused to do. General MacKenzie says that this refusal will mean that a lot of people will be needlessly killed. He says:

> So my feeling is that pressure has to be brought to bear to get them (Izetbegovic's government) to the table. The Serbs will talk any time, any place, at any level * * *

A second salient point General MacKenzie makes is that much of the fighting is not under direction from Belgrade or Zagreb. He says:

> There's ample evidence of units operating on their own agenda—today. Maybe tomorrow they will operate on a common agenda.

A third salient point General MacKenzie makes is that each side accuses the other two of running detention camps. He appears to agree that all three sides have camps.

But the most important point General MacKenzie makes is in response to the question of blame. He states that Serbs were clearly to blame 3 months ago when they bombarded Sarajevo, but he also states the following:

> What we now see from the Bosnian presidency's side is that it's in their interest to keep the thing going and get the Serbs to retaliate in order to convince the international community that intervention is a good idea.

Mr. Speaker, the resolution before us says that the hostilities were "precipitated by Serbia and Serbian-backed forces." It can be disputed as to who precipitated which particular battle or action. All three sides have participated in many specific atrocities, battles and actions.

The resolution seems to imply that only Serbian forces have engaged in "ethnic cleansing." All three sides have done some of this, but not to equal extent. Serbs have probably done the most. But is also true that Croatian forces have carved out a section of Bosnia and forced Serbs to flee.

The resolution before us refers to "democratically elected Government" of Bosnia-Hercegovina. Only an extremely loose definition of "democracy" would apply to this statement, given the way the last election was conducted.

The resolution's reference to "aggression" on Bosnia ignores the essential fact that what is happening in Bosnia is in most aspects a civil war, not a cross-border aggression in the usual sense. The Serbs in Bosnia have lived there for more than 800 years.

But the most misinformed element of the resolution is the commendation to President Bush for "taking decisive steps to put pressure on Serbia to stop the conflict." Serbia is not a direct or governing party to the fighting. While certainly Serbia has supported the Serbs in Bosnia, these forces would fight on with or without Serbia's help.

There are several good features of the resolution before us. It rightfully characterizes the horrible atrocities being committed against the civilian population. It implies that all three sides have impeded access of the International Red Cross to prisoner of war camps.

The resolution also endorses the resumption of peace talks among all parties. Although the Bosnian President refuses to do this, as mentioned above, this should be the primary focus of the United States effort, not the placing of blame on any one party to the three-party conflict. The only real and lasting solution under the ethnic and geographic circumstances of Bosnia is a negotiated political one. We must all work for that result. Thank you.

For the RECORD I submit the interview with Gen. Lewis MacKenzie:

[From Time Magazine, Aug. 17, 1992]

HATRED TEN TIMES OVER

(By Daniel Benjamin)

Q. Sarajevo airport was shut down again this week. Has the U.N.'s authority in Sarajevo been exhausted?

A. I've always said the agreement to protect the airport from ground attack was hanging by a very fine thread. When you start taking mortar fire on the bunkers our people are living in and on the tarmac, that is a serious escalation. Before, we were able to justify putting our finger in the flame despite fighting going on close to the airport. The odd round dropping short can be rationalized, but not when the airport is being directly targeted.

Q. What do you think it would take to impose peace on Sarajevo itself?

A. Well, from the tactical point of view, having to control and occupy and dominate all the features around Sarajevo and the city itself. Cities are famous for gobbling up soldiers. I haven't done the detailed analysis, but a figure of 75,000 would probably be modest, if there is resistance. And the resistance has to be handled 24 hours a day by people on the ground. Air power can assist, but it can't stop people from reoccupying positions.

Q. That's assuming that the act of bringing in a large military force itself wouldn't have a powerful psychological impact.

A. Yes. It's also presupposing that the peacemaker can stay for a long time. Because what happens when they leave? Everything goes back to the way it was because so much hate has been generated. And then you have a force that is isolated. You don't have secure communications. You're sitting in the middle of a very, very hilly country.

Q. What would be the difference between an operation in Bosnia and the Gulf War?

A. The same characteristic that dominates every military operation: the ground. In Desert Storm there was a relatively sophisti-

cated infrastructure on which to develop your force. There were tremendous areas of land on which to put it together and to train and sort out problems—and that took four months. Where are you going to do that in Bosnia?

Q. You would not be able to wage tank warfare, as in the Middle East?

A. No, you're talking infantry battles. You're talking about classic, classic guerrilla country.

Q. Do you think the Serbs, Croats and Bosnia Muslims would fight in the face of a huge force?

A. If I put myself in their shoes, there is no option. You are talking about backing the Serbs into a corner. And if you read history, it's not a very good idea. You're talking about an organization with a significant capacity to fight and with a significant amount of equipment. Serbia/Montenegro must be one of the most densely militarized areas of the world now.

Q. To "pacify" all of Bosnia-Herzegovina, what size military operation would be needed?

A. Well, the Germans gave it a try with 30 divisions, and they weren't successful. A lot of people were killed. If there were resistance throughout Bosnia-Herzegovina and you had to occupy it, you could be talking up to 1 million troops.

Q. Why not bomb artillery positions and send in helicopter gunships?

A. You wouldn't be able to find all the weapons systems that are doing the damage. Mortar are the favored weapon in Bosnia, and they're hidden very easily and carried around in everything from school buses to cars. What's much more important is that if you do that, then the U.N. peacekeeping force is, whether it likes it or not, affiliated with the side not being attacked. therefore you have sitting there 1,600 [U.N. soldier] hostages.

Q. Can't you remove those troops in advance of any action?

A. If you do, that's an indication something big is going to happen. So you've got yourself a very nice cul-de-sac, unless you're prepared to sacrifice 1,600 people. I wouldn't think that would be a particularly good idea.

Q. Is there anything that would rapidly improve the situation in Bosnia?

A. Yes—and the presidency [of Bosnia] will hate to hear me say this: negotiations with the Serbian side within Bosnia. The presidency will not talk to the other side because they say this is a war of aggression controlled by Belgrade. They feel that if they start to talk, the status quo will be frozen, and they don't have a lot of territory. If you don't want to talk, then there's only one solution: one side wins, one side loses and a lot of people get killed in between. So my feeling is that pressure has to be brought to bear to get them to the table. The Serbs will talk any time, any place, at any level because they probably have what they want. It seems to me talking could get the Bosnian Muslims territory.

Q. Is anyone in the different leaderships really calling the shots? Or is much of the fighting being driven at the grass roots by units that decide they just want to fire their mortars?

A. You're absolutely right, there are large numbers of individuals and units that are out of control. But they are out of control within a defined chain of command. There's ample evidence of units operating on their own agenda—today. Maybe tomorrow they'll operate on a common agenda. There are some individuals and small organizations in Sarajevo who are paid to kill. They get a bonus. Journalists are favorite targets in Sarajevo. There are no video games in Sarajevo, so the next best thing is to fire at a TV car going by.

Q. Is the word genocide appropriate for Yugoslavia?

A. I can't comment in detail on that because my mandate was limited to Sarajevo. However, let me assure you that I have a pound of paper for each hand of protests from one side accusing the other of running detention camps, concentration camps, prisoner-of-war camps.

Q. You don't entirely blame the Serbs?

A. When people ask me whom do you blame, I say, "Give me the day and the month, and I'll tell you." What the Serbs did three months ago was totally unacceptable: the city was bombarded, civilians were targeted. Today it is more complex. What we now see from the Bosnian presidency's side is that it's in their interest to keep the thing going and get the Serbs to retaliate in order to convince the international community that intervention is a good idea. So I blame both sides.

Q. You have had nine peacekeeping tours in places like Gaza, Nicaragua and Cyprus. How does this compare?

A. You can take the hate from all those previous tours and multiply by 10. I've never seen anything close to that. Even if only 10% of what each side accuses the other of doing is true, in the minds of the people it has grown to horrendous proportions. If the leadership said, "O.K., let's sit down and sort this thing out," I'm not sure whether people would accept that because there is so much hate for the other side. Really deep, gut-wrenching hate. Once you start calling them baby killers, pregnant-women killers, and talk about cooking babies, those are not good grounds for negotiations.

Q. What difference did that make for your work?

A. On any of those previous tours, when you brokered a deal, it was followed through. And if somebody along the line didn't follow through, they were put in their place. It's relatively easy to broker a deal in Bosnia. It's the execution that is impossible.

Q. After your experience in Sarajevo, do you think there is still a clear line between peacekeeping and peacemaking?

A. Yes, there is a clear line. It became cloudy in Sarajevo only because we went there with good intentions and then the war started, and that put us in an absolutely unique position.

Peace imposition is war fighting. It's going in, taking on somebody and beating them. In order to use a peacekeeping force, you have to have a cease-fire. But we got ourselves into this bind by having a war start around us.

Q. So you're a pessimist?

A. I used to use the term guarded optimism, but I've dropped even that from my vocabulary. I still have hope. But I won't be optimistic until they start to talk.

□ 2140

Mr. HOYER. Madam Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. BROOMFIELD. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Madam Speaker, I support the resolution, but I must say that while the resolution before us today is going in the right direction, it simply does not go far enough. The administration and the House have been shockingly slow in responding to the crisis in the former Yugoslavia. The administration does not seem to know what to do about Yugoslavia, so it has done nothing. We should have been passing resolutions a year ago condemning Serbian aggression. Instead we have stood by and watched Slobodan Milosevic, son of Saddam, butcher innocent civilians in Bosnia and Croatia and stifle the legitimate political aspirations of the Albanian majority in Kosova.

A year ago, I, and many of my colleagues, warned that if Milosevic was given a free hand in Slovenia and Croatia, there would not be an end to his aggression. We took to the House floor to drive this point home but were outvoted. Unfortunately, events have proven our point as Serbian aggression continues unabated. Milosevic is bit by bit attempting to gobble up his smaller, weaker neighbors. First he attacked Slovenia, next it was Croatia, today it is Bosnia, and tomorrow it will be Kosova and after that Macedonia. Even with the limited sanctions that have been adopted, Milosevic has not mitigated his behavior. International criticism has not dented his resolve to carve out a greater Serbia from the sovereign territory of surrounding nations.

It is time we in Congress followed the lead of Governor Clinton and voted for a resolution with teeth. Instead of praising the President for failing to act until last Thursday, we should encourage him to draw up contingency plans and offer Milosevic an ultimatum. If the carnage does not end very quickly we should be prepared to make Milosevic and his cronies understand that their brutal practices will not be tolerated by the international community.

Fifty years ago the world sat idly by while millions of Jews were exterminated by the Germans. The ethnic cleansing policies of the Serbian leadership seems chillingly similar to what we saw in the 1930's and 1940's. We cannot allow this to happen again.

I also believe this resolution should address the situation in Kosova, which it does not. The United States and the rest of the international community have consistently waited to change their policies toward the former Yugoslavia until events on the ground have turned violent. This is the pattern set in Slovenia, Croatia, and Bosnia-Hercegovina. The administration does not seem to be able to identify trouble spots before they happen. Iraq, Croatia, and Slovenia are prime examples.

The next massacre will occur in Kosova if we do not focus more international attention on that situation. The Serbs, who comprise less than 10 percent of the population, completely control the police and the army in

Kosova. Their repressive policies are well known to the international human rights community. The respected human rights organization, Helsinki Watch, labeled Serbian oppression in Kosova one of the worst human rights situations in Europe today.

In September 1991, the Kosovars held a referendum on independence. Eighty-seven percent of eligible voters participated and over 99 percent of those voting supported separation from Serbia. Ethnic Albanians, who comprise 90 percent, of the population of Kosova overwhelmingly supported independence. In May, Dr. Ibrahim Rugova was elected president of Kosova in internationally monitored balloting and he is currently working toward establishing a government located in Kosova in defiance of the occupying Serbs.

To date, the Albanian population has shown amazing restraint under a repressive Serbian Communist regime. If the provocations against ethnic Albanians, the firings, the closure of schools, and the banning of Albanian language media ever cause a backlash among the Kosovars, a horrible bloodbath will occur. The Kosovars are unarmed. They would find themselves in worse straits than the Bosnians are in now.

The stakes in Kosova are very high. If the Serbians do resort to open bloodshed in Kosova, Albania, Bulgaria, Macedonia, Turkey, and Greece are likely to be dragged into the conflict. This would result in more bloodshed, and a refugee crisis that would rival and possibly eclipse the current disaster in Bosnia and Croatia. None of Kosova's neighbors can afford a major influx of refugees, particularly Albania. Albania is poverty stricken and cannot feed its own people, much less large numbers of refugees from Kosova. Congress, and the President, must pay more attention to Kosova before it is too late. This resolution makes no mention of Kosova and I think that is a critical mistake. I do however, urge a "yes" vote for the resolution, as an important first step.

□ 2150

Mr. BROOMFIELD. Madam Speaker, I yield back the balance of my time.

Mr. HOYER. Madam Speaker, in closing, I rise in support of this resolution. We have spoken relatively briefly, and we have spoken to who is at fault, who has invaded. The fact of the matter is that the violence that exists in Yugoslavia's paternity is hundreds of years old, ethnic prejudices and hatreds, national enmities.

What we say in this resolution, what we said in the Helsinki final act, what we have said in the United Nations, document after document, is that the resolution of these differences shall not be by violence, that it shall not be by invasion, that it will not be by might making right; that the international community cannot survive, should not survive, must not survive by the use of violence.

Madam Speaker, the weapons of war are too dangerous for that today, and the consequences are not in the tens or the hundreds but in the thousands and hundreds of thousands and millions, not just of death but of persons displaced, children homeless.

Madam Speaker, this resolution says to all parties, "Stop the violence." This resolution says to whoever is at fault, "We will hold you accountable."

This resolution is Congress' way of standing up and saying, "We want international law to prevail, and the greatest power on the face of the Earth will not stand by while international norms are put under the tread of the tank, assassinated by the bombs of war or by the big guns of August that level Sarajevo and terrorize its people." That is what this resolution says.

Mrs. BENTLEY. Madam Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Madam Speaker, I want to thank the gentleman from Maryland. I want to say that regarding his closing remarks, I do agree 100 percent. The resolution itself pinpoints the beginning of the problem.

Mr. PANETTA. Mr. Speaker, I appreciate the chance to take up the question of our policy on the war and inhumanity raging in Bosnia-Hercegovina. It is highly regrettable that it took a published report in the press to bring the attention of the Bush administration and the United Nations to the mass human suffering in Bosnia. Having said that, I am encouraged that the administration has responded to congressional pressure, the calls and letters of thousands of Americans and the daily drumbeat of horrifying press reports by concluding, finally, that it is time for decisive action in Bosnia to put a stop to the senseless killing, torture, and starvation of civilians.

It is by now, commonplace to say that we are entering a new era. What is less clear is the shape this new era will take. We are groping our way through chaos toward an ill-defined, possibly illusory new world order. Let us leave aside for today any definition of the new order. Rather, I would like to focus on the constructive steps we can take toward the fashioning of that new order.

My good friend from Indiana, the distinguished chairman of the Subcommittee on Europe and Middle East, made an important and prescient point the other day when he made the case for intervention in conflicts on behalf of dislocated civilian populations denied the barest essentials of a humane existence.

I would like to associate myself with his characteristically thoughtful analysis. In this regard, I would like to believe that we in the United States learned a lesson during World War II. It remains a shadow across our national soul that the United States did not act earlier than it did to rescue the prisoners of the Nazi concentration camps. Yet, in time, we did act, and as a Nation I am convinced that we have absorbed that lesson.

As Primo Levi, Elie Wiesel and others have testified, that lesson must be kept uppermost in mind. The day we forget the Holocaust of World War II will be the day we begin to descend into another. Cambodia's Khmer Rouge never learned. Preliminary evidence seems to show that desperate armed bands of Serbs have learned the wrong lesson. Some have said that their execution of prisoners has not been systematic. That may be true, but it must not diminish our resolve to shut down Omarska and the other concentration camps as soon as we are able.

Another buzzword of this inchoate era is multilateralism. I share the view that the President ought to work with the United Nations Security Council, NATO, the European Community and the Conference on Security and Cooperation in Europe to effect a coalition of states taking the same coordinated action vis-a-vis Bosnia-Hercegovina.

Our objectives should include the following, and the use of force should be tailored to the achievement of these goals: First, allow international observers, chiefly the U.N. Human Rights Commission and the International Committee of the Red Cross, to inspect the detention camps; second, rescue the prisoners in the concentration camps; third, close the concentration camps; fourth, open and preserve the main transportation routes, allowing the transport of civilians and the wounded and the provision of medical relief, and ensuring the provision of humanitarian supplies to all civilian centers; fifth, halt the bombardment of civilians; and sixth, arrange and preserve a permanent cease-fire.

Toward those ends, the following options remain to be taken, and they should be implemented immediately by the U.N. Security Council: First, create a U.N. tribunal to investigate war crimes committed by all sides in the conflict. Second, tighten the embargo on Serbia to prevent all goods and arms from reaching its borders. Third, convene an emergency meeting of the members of the United Nations Security Council to discuss the use of force and to provide the auspices for a possible coalition action in Bosnia-Hercegovina. Any forces contemplated should be truly multinational and dominated, if not directed, by European forces.

I commend the leadership for its ushering of the resolution on Bosnia to the floor and, in particular, its backing of the use of force if necessary to ensure the provision of humanitarian relief to Bosnians. We ought to do more than that, however. We ought to set forth the steps we would advocate in the prosecution of our goals. I list the following escalations in force as my own contribution to the path I believe that the U.N. coalition should take.

It is important to remember that these steps remain possibilities, options. Should the Serbs accede to the United Nations demands at any stage, and I am confident that they will in the early stages, the greater uses of force will not be necessary. Nevertheless, it is important to consider them today, before we commit ourselves to a specific course. Military exerts have advised us that the use of force may not bring immediate results, and that the coalition may become bogged down in a prolonged war. That may be true, and no one can dispute the gravity and complexity of the conflict.

In response, however, the most trenchant point I can make remains the lesson of the Holocaust. The outcome of armed intervention is today unclear. What is not unclear is the fate of the inmates of Serb concentration camps. Given the brutal fact of the camps' existence and of the slow starvation of Sarajevo and other Bosnian cities, we have no choice but to act.

Of the remaining actions involving the use of force, I would recommend the following options, in order of their preference. Fourth, limited air strikes against Serb artillery positions around Sarajevo and Gorazde in Bosnia. The strikes would have to be limited, with small payloads and low collateral damage targeted on known and permanent Serb positions in Bosnia. Fifth, if the strikes were unsuccessful in forcing Serbs to withdraw, limited air strikes in Serbia would be called for, in order to force Serbia to reckon with the war's effects on its own territory. Sixth, if the fifth step were not sufficient in bringing a close to Serbia's sponsorship of the conflict, air strikes combined with a ground force would be required. Many military experts believe that the situation will not be truly resolved until outside ground forces take and control most of the strategic positions in Bosnia.

The President and his advisors, the U.N. Security Council, NATO, and other organizations must consider these options with all deliberation, but they must take action quickly to put a stop to the daily atrocities rogue paramilitary and military forces are committing in Bosnia.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Resolution 554, concerning the situation in Bosnia-Hercegovina, and I commend the distinguished chairman of the Helsinki Commission, Mr. HOYER, the distinguished chairman of our Foreign Affairs Committee, Mr. FASCELL, as well as our distinguished ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD], for their outstanding and expeditious work on this important resolution.

For months we have watched the European Community attempt to broker peace in the former Yugoslavia, but despite the efforts of Lord Carrington and our former Secretary of State, Cyrus Vance, the European Community and the international community have been unable to bring about a permanent cessation of hostilities in Bosnia-Hercegovina.

Media accounts of the atrocities being perpetrated against the civilian population of Bosnia-Hercegovina are heart wrenching. We have heard of the despicable act known as ethnic cleansing of regions inhabited by non-Serbs. We have seen human skeletons incarcerated in detention centers which are eerily reminiscent of World War II concentration camps.

Throughout this crisis, officials of the International Committee of the Red Cross have been denied access to these camps, as well as prisoner of war camps through out Bosnia-Hercegovina, despite article 143 of the 1949 Geneva Convention relative to the protection of civilian persons in time of war.

Mr. Speaker, humanitarian aid—food, medications, and other critically important goods, which are so badly needed to sustain life in Bosnia-Hercegovina are simply not getting through. It is time for decisive action to be taken by the international community.

This resolution supports the President for his statement of August 6, 1992 and commends him for taking decisive steps to put pressure on Serbia to end this crisis.

The measure also urges the United Nations Security Council to consider means by which United Nations and ICRC personnel shall be granted unimpeded access to all of the refugee, POW, and internment camps located throughout the former Yugoslavia.

Finally, this measure expresses the sense of the House of Representatives that an international tribunal should be convened to investigate the despicable crimes against humanity being perpetrated within the territory of the former Yugoslavia. We cannot sit back and watch this great tragedy unfold any longer. We must urge the United Nations to take multilateral, concerted action, and we must not wait 1 more day. Accordingly, I urge the unanimous adoption of this important measure.

Mr. SMITH, of New Jersey. Mr. Speaker, almost 1 year ago, my colleague, Congressman FRANK WOLF, and I were in the wartorn towns of Osijek and Vukovar, as well as Croatia's Zagreb and Serbia's Belgrade. In our meetings with government officials and religious leaders, Mr. Speaker, the explanations and potential resolutions to the dissolution of Yugoslavia and search for appropriate responses to the subsequent military aggression by the Yugoslav Army and militias on both sides were not easy nor were they hopeful. Certainly, as we spoke with ordinary families, moms and dads, doctors and nurses, and unfortunate civilians who had been caught in the gunfire or by shrapnel, the feelings of desperation were intense. And, that was last September.

Sadly, Mr. Speaker, the situation has not stabilized. It has only grown worse.

The Serbian-led Yugoslav forces, and the Serbian-supported militias have devastated regions of Croatia, and having accomplished their goals there, are now destroying and taking control of Bosnia-Hercegovina. Thousands and thousands have paid the ultimate price, leaving grieving family members and orphans. Millions have become refugees—homeless, leaving behind their personal properties, their livelihoods, and their rubbled cities and villages.

International efforts to provide humanitarian assistance to the large population centers have been thwarted and often prevented by Serbian forces. The confirmation of the detention centers has further proven the atrocities of the military. Denying the international Committee of the Red Cross access to these internment camps is but one more indication of the Serbian Government's tolerance of such dehumanizing violations of international law, and ruthless breaking of the human spirit. Sadly, the ethnic cleansing of Bosnia-Hercegovina is an eerie replay of history in Europe which we thought would remain past history.

Mr. Speaker, I fully support this legislative action of the House and I hope that this will serve to unify the voices coming from the legislative branch. Frankly, it is long overdue.

This resolution which I have cosponsored clearly states Congress' abhorrence of the atrocious ethnic cleansing which is underway in Bosnia-Hercegovina and condemns the military intervention by Serbian forces throughout Bosnia. Furthermore, the President is commended for taking decisive steps to turn up the heat on Serbia through the strict enforcement of sanctions, and the isolation of Serbia both diplomatically and politically. Mr. Speaker, it is imperative that the international community—particularly the United States—maintain its resolve. Furthermore, the resolution urges the United Nations Security Council to authorize means necessary to ensure that humanitarian assistance is delivered safely to the people of Bosnia.

Mr. Speaker, the people of Bosnia, as did those in Croatia, deserve our moral support; they need an advocate as they grope for peace within their borders; the humanitarian assistance which is being provided can survive and be distributed only with military protection. In the process, though, the Serbian Government must be convinced that these are not hollow words. I encourage my colleagues to vote unanimously in favor of this resolution.

The SPEAKER pro tempore (Ms. DELAURO). The question is on the motion offered by the gentleman from Maryland [Mr. HOYER] to suspend the rules and agree to the resolution (H. Res. 554).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered and agreed to.

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

There was no objection.

IN APPRECIATION OF EFFORTS TO DEVELOP HOUSE RESOLUTION 554

Mr. HOYER. Madam Speaker, on behalf of the Committee on Foreign Affairs and on behalf of the Helsinki Commission, I would like to thank some folks who have spent many hours putting together that which was a difficult resolution, because there are many legitimate points of view: Meg Donovan and Marty Sletzinger of the Committee on Foreign Affairs; Bob Boyer and Beth Ford, also of the Committee on Foreign Affairs; and Enere Levi of the committee, as well as Bob Hand, Mary Sue Hafner, Jesse Jacobs, and others of the Helsinki Commission staff.

I also want to thank Spencer Oliver, who has convened a group of folks trying to work this resolution, and I am pleased that its result was unanimous, or overwhelmingly approved tonight. We hope it is a step in the right direc-

tion. We hope that it is a step to bring the parties to the negotiating table, which we all want, once the violence ceases and international borders are recognized.

HOW MANY TIMES DID CLINTON AND BUSH RAISE TAXES?

Mr. JONES of Georgia. Mr. Speaker, there's an interesting column in this morning's Post called "Anatomy of a Smear." Why, just yesterday a Member from the Republican side attacked Governor Clinton for raising taxes in Arkansas 128 times.

I imagine we'll be hearing that number a lot next week down in Houston. A whole lot. But, there's one big problem with that—it just ain't so.

A fair accounting shows 55 to 59 revenue increases in 11 years, 7 of which have expired, and 48, I repeat 48, tax cuts.

Now, by the Bush campaigns' means of reckoning, the President himself has raised taxes 133 times in just 4 years.

So, when you hear this misinformation coming from the G.O.P. convention, consider the source, and then just switch the channel to Murphy Brown.

[From the Washington Post]

ANATOMY OF A SMEAR

(By Michael Kinsley)

HOW MANY TIMES DID CLINTON—AND BUSH—RAISE TAXES?

Massachusetts Gov. William Weld repeatedly referred to the 43 tax increases Clinton signed during 11 years as governor.—USA Today

Bill Clinton as governor of Arkansas raised taxes something like 128 different times.—Dan Quayle

Well, take taxes. We're mad at George Bush because he raised taxes once. Bill Clinton has signed 121 tax increases. A hundred and twenty-one!—Rep. Newt Gingrich

Like Joe McCarthy counting communists in the State Department, Republicans have had a hard time deciding exactly how many tax increases to accuse Bill Clinton of. They have settled on the number 128, and the Bush-Quayle campaign has issued a list.

The exact number of tax increases in Arkansas while Clinton was governor is a meaningless question in any event, but the Republicans obviously think it's a telling point. As McCarthy understood, a number lends phony precision that gives weight to the general indictment—in this case, that Clinton is a "tax raiser." So the accuracy of the number is important, not for what it says about Clinton but for what it says about Bush. Bush has decided to campaign on the theme of "trust." Bear with me while we analyze the "128 tax increases," and see if you can trust George Bush.

The Bush-Quayle list is hilariously shoddy. My favorite items are three (numbers 31, 86 and 91), which aren't items at all. They are just places where the description of an alleged tax increase took more than one line. Similarly, number 78 is a verbatim repetition of number 74 (a 25-cent tax increase per gallon on "light wine"). "Tax increase" number 92 is a $1 per-conviction court costs fee imposed on criminals. One dollar, and the Bushies are complaining! These people are supposed to be tough on crime?

Item number 46 is a 1987 law lengthening the season for dog racing. This is apparently a "tax increase" on the theory that a longer season increases state gambling tax revenues. Other supposed tax increases either never actually took effect (number 71) or replaced another tax of equal size (number 117). A fuel tax increase is counted as two because it applies to both gasoline and diesel. A general booze tax increase weighs in at five if you count such categories as wine coolers separately—as they do.

Dick Alexander, an Arkansas law professor working for the Clinton campaign, figures a true count would be 55 or 59 increases in various taxes and fees while Clinton was governor, depending on how you figure. He even includes 10 the Republicans somehow overlooked.

But in the real world, as opposed to Republican propaganda fantasies, taxes go down, too. Alexander has produced a list of 48 tax cuts during Clinton's governorship. These include such George Bush favorites as tax breaks for enterprise zones and capital gains. They also include a general cut last year that reduced or eliminated income taxes on 374,000 low-income Arkansas citizens. Since seven of Clinton's 55 (or 59) tax increases have expired or been repealed, the actual number of tax "increases" and the number of tax "cuts' are about equal. If you care.

Arkansas is a very low-tax state. It ranks 49th in per capita state and local taxes and 50th in per capita expenditures. Even measuring taxes as a share of personal income, Arkansas ranks 47th.

A "Factsheet" put out by the Bush-Quayle committee augments the "128 tax increases" canard with the assertion that: "Taxes are $397.1 million higher on an annual basis than when Clinton took office." This figure reflects inflation and growth as well as real tax increases. By the same moronic calculus, federal taxes are $476.4 billion higher than when Ronald Reagan and George Bush took office.

In fact, the absurdity of this whole count-the-taxes exercise is illustrated by applying it to George Bush's tenure as president. Just one tax increase? Forget it. The notorious 1990 tax increase was 73 separate increases. And Bush signed tax bills in 1989 and 1991 as well, each one with multiple provisions. Who can forget his decision in 1989 to "limit nonrecognition treatment when securities are received in certain Section 351 transactions"? That one was a $1.4 billion tax increase over five years.

There have been dozens of federal excise tax increases during Bush's reign. For example, in 1990 he imposed a two-stage tax increase on both small and large cigars—distinct categories in the statute. By the Bush-Quayle rules, that counts as four separate tax increases.

Overall, by my count using his rules, Bush has raised taxes 133 times—more often in just four years than Clinton did in 11. And that doesn't even include increased fees for government services such as National Parks. Nor does it include criminal fines.

Every day the Bush-Quayle machine puts out stuff like this malarkey about "128 tax increases," and every day Republican soundbite artists fan out to spread the word. The Clinton-Gore machine is no less efficient, but I believe it is less dishonest. If anyone has a counterexample, I would like to hear of it. Meanwhile, when Bush talks of "trust," I am reminded of Reagan's old mantra about negotiating arms control with the Soviets: "Trust, but verify."

QUAYLE THUMBS NOSE AT CONGRESS

Mr. SKAGGS. Mr. Speaker, the Quayle Council has done it again. The Council, in its imperial style, has thumbed its nose at Congress and said quite clearly, "We don't care, we don't have to—we're the Quayle Council."

For more than 3 months, I waited for a response to questions submitted to the Council at an appropriations hearing on its budget. Basic questions about who staffs the Council, how they operate, and what regulations they review. The response I got back last week was nothing more than artfully written bunk—in short, they said, "Congress, what we do is none of your business, and we won't cooperate."

Why does the Council insist on keeping its actions and operations secret? Because they know that if the American people knew how the Council gives special breaks to corporate contributors and political allies, the American people just would not stand for it. This is exactly the kind of thing that breeds distrust and disgust with Government.

The Senate will soon vote on whether to eliminate funds for the Council. Congress has no business spending taxpayer dollars to fund a secret agency that's totally unaccountable to the American public. We should put this rogue operation out of business.

At this time, I am inserting into the RECORD a copy of my letter to Vice President QUAYLE, the response, and a staff analysis of how far it falls short.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1992.

Hon. J. DANFORTH QUAYLE,
The White House, 1600 Pennsylvania Ave., Washington, DC.

DEAR MR. VICE PRESIDENT: After the hearing of the Subcommittee on Treasury, Postal Service, and General Government on March 17, 1992, the Subcommittee submitted several questions for the record on my behalf regarding the operations of the Council on Competitiveness, which you chair. Your office sent answers to these questions on April 29, 1992. Unfortunately, the answers submitted were in most respects not responsive or adequate.

LISTING OF REGULATIONS REVIEWED

I asked for a "complete list" of the specific regulatory proposals the Competitiveness Council has reviewed. The response failed to provide this list. Instead, the Subcommittee was given "fact sheets and press releases" that describe selective issues "among" the "wide range of regulatory and competitiveness issues" handled by the Council. However, the staff to the Competitiveness Council has told The Washington Post (Jan. 9, 1992) that they operate under a "no fingerprints" policy, under which they seek to prevent public disclosure of their intervention in important federal regulations. For instance, in one case involving regulation of airline noise discussed in the Post story, Council staff made a deliberate decision not to publicize the Council's decisive role because the issue was a "political loser." Indeed, in that story, you are said to "prefer that most of their interventions, like that on aircraft noise, leave no fingerprints," be-

cause, "in this town, especially, you don't want that to come out" (emphasis added). Given this, an attempt to limit congressional oversight to only the selected issues disclosed in press releases and fact sheets would give Congress only an unacceptably partial and misleading picture of the Council's activities. For that reason, I again ask for a complete list of the regulations in which the Council or its staff have had significant involvement, not those where the involvement has been merely peripheral. Your staff told the Post that "council staff limit the interventions to about 50 cases a year, tending to choose those with major economic impact." Identifying those cases should not be that difficult, and the Subcommittee has a right to this information.

COMMUNICATIONS WITH OUTSIDE PARTIES

I also asked for details of communications that the Council has received from outside parties on regulatory matters and for copies of all written communications received from these parties. The Council's reply stated that "Council staff frequently meet with interests outside the government on regulatory issues," but that "it is Administration policy that these types of communications are not disclosed."

My understanding, however, is that it is not Administration policy to treat communications from interested parties on regulatory matters as confidential. To the contrary, the procedures for regulatory review under Executive Order 12291 specifically provide that "written materials received from anyone not employed by the Federal Government are *made available* * * * *for review by the public.*" In the case of rules from the Environmental Protection Agency and any other Department or agency requesting similar treatment, the disclosure extends to "oral communications concerning * * * rules, e.g. meetings, telephone calls, * * * with persons who are not employees of the Federal Government" (Office of Management and Budget, "Additional Procedures Concerning OIRA Reviews" at 2, 3 (June 13, 1986) emphasis added).

There is no "pre-decisional" or "deliberative" process exception to disclosure requirements for communications with interested third parties when members of the public seek these documents. *NAACP Legal Defense Fund* v. *U.S. Dept. of Justice*, 612 F. Supp. 1143 (D.D.C. 1985); *Center for Auto Safety* v. *Dept. of Justice*, 576 F. Supp. 739 (D.D.C. 1983). There is no question that the Council is legally obliged to provide records of these communications to this subcommittee.

DESCRIPTION OF COUNCIL POSITIONS AND INFLUENCE

I asked for a description of the positions advocated by the Council or its staff during each regulatory review and the influence of these positions on the final regulations. In response, I was told that this would impose an "extraordinary burden," because it would require a description of each of the over 6,000 regulations reviewed by the Office of Management and Budget since the Council was established in March 1989. As noted above, your staff told The Washington Post that the Council examines in detail only about 50 regulations each year. It should not be an "extraordinary burden" to describe the Council's role in this limited number of regulations.

DISCLOSURE OF WRITTEN COMMUNICATIONS FROM THE COUNCIL

I asked for a copy of all written communications between the Council or its staff and rulemaking agencies on regulatory matters. The reply was that these documents cannot be disclosed because they are "predecisional and deliberative in nature."

No court has ever withheld executive branch documents from Congress on the basis of a deliberative process privilege. Indeed, the Freedom of Information Act expressly provides that the deliberative process privilege that applies when a private citizen seeks certain federal documents "is *not* authority to withhold from Congress." 5 U.S.C. sec. 522(d) (emphasis added). It is well-recognized that Congress has "a special right of access to privileged information not shared by others." *Murphy* v. *Dept. of the Army*, 612 F.2d 1151, 1155-56 (D.C. Cir. 1979.) This "special right" includes a constitutional right of access to documents sought in my request.

The Supreme Court addressed disclosure of "confidential communications between a President and his close advisors" in *United States* v. *Nixon*, 418 U.S. 683 (1974). The court held that when a presidential claim of privilege: depends solely on the broad, undifferentiated claim of public interest in the confidentiality of such conversations, a confrontation with other values arises. *Absent a claim of need to protect military, diplomatic, or sensitive national security secrets, we find it difficult to accept the argument that even the very important interest in confidentiality of Presidential communications is diminished by production of such materials. Id.* at 706 (emphasis added). Under this precedent, because the Council has made no claim that military, diplomatic, or national security secrets are at risk, disclosure of the documents is clearly required.

The confidentiality claim is also inconsistent with explicit statutory requirements and long-standing Administration practice. The Clean Air Act, which has been a major focus of Council intervention, expressly requires disclosure of "all ± written comments by other agencies" on clean air regulations. 42 U.S.C. sec. 7607(d)(4)(B)(ii). There is no question that the Council is an "agency" subject to the Act's disclosure requirements. *Meyer* v. *Bush*, Civ. No. 88-3112 (D.D.C. Sept. 30, 1991).

In addition, Administration procedures specifically provide that the Office of Information and Regulatory Affairs (OIRA), which has responsibility for White House review for the Office of Management and Budget, "will make available * * * all written correspondence concerning the draft submitted for * * * review under Executive Order No. 12291 that is *exchanged between OIRA and the agency head*" (Office of Management and Budget, *supra*, at 3 (emphasis added)).

EXCLUSION OF THE RULEMAKING AGENCY FROM MEETINGS WITH INTERESTED PARTIES

I asked whether the Council invites the rulemaking agency to meetings between Council staff and interested third parties, as is required during regulatory review under Executive Order 12291 (Office of Management and Budget, *supra*, at 3). The reply—that Council staff "*may or may not* invite representatives from various agencies" (emphasis added)—is not especially informative. It provides no explanation of the views of the Council on participation by the rulemaking agency.

At a hearing of the Health and the Environment Subcommittee of the Committee on energy and Commerce on November 14, 1991, EPA officials testified that no EPA air official had ever been invited to a meeting between Council staff and a regulated industry. Indeed, despite the Council's regular intervention in regulations implementing the Clean Air Act, EPA air officials testified that they had "no direct knowledge that such meetings have even happened" (transcript at 170). This seems to contradict the Council's response and suggests that the Council actually has a policy of excluding at least certain regulatory officials from its meetings with outside interests. I'd appreciate your clarification of this issue.

INCLUSION OF COUNCIL COMMUNICATIONS IN THE DOCKET

Finally, I asked whether factual communications received by the Council on pending regulations, and the policy comments of the Council on these regulations, are included in the rulemakings docket. The Council's answer indicates that it does not add these materials to the docket, because "the Council itself does not engage in rulemaking."

In an op-ed published in The Washington Post on December 8, 1991, you stated that, "the President and I . . . are elected by the people," while "the iron triangle—special interest groups, bureaucrats and Congressional staff—are elected by nobody." You pointed out that "Congress enacts laws, and the executive branch . . . implements them." You than concluded that "it is entirely proper that these executive branch functions *be controlled* by officials accountable to the voters and by nobody else" (emphasis added). This "control" of regulations by the Council necessarily engages the Council in the rulemaking process.

Your op-ed goes on to cite several instances of indisputable regulatory action by the Council. For instance, you concede that "the council has attempted to bring balance to our nation's 'wetlands' policy" by "putting the 'wet' back into 'wetlands'"—which is an overtly regulatory effort. You assert that "some interest groups that didn't win everything they wanted" in the 1990 Clean Air Act "are now pressuring the regulatory process to achieve what they they failed to get in Congress." You then reveal the Council's "determination" to intervene in this "regulatory process" in order to "protect the carefully considered compromise." These examples certainly demonstrate the Council's vigorous intervention in the rulemking process.

Ultimately, there is a basic logical inconsistency in the position that the Council need not comply with disclosure requirements because it is not engaged in rulemaking. The Council's role is to "serve as the coordinating body for regulatory review under Executive Order 12291." This regulatory review under Executive Order 12291 is inherently part of the rulemaking process. That is why officials at the Office of Management and Budget who are engaged in such review must follow detailed procedures for insuring that their communications become part of the public record (see Office of Management and Budget, supra). When the Council interjects itself into this process, it is necessarily interjecting itself into the regulatory process. Thus, like all others involved in the rulemaking process, the Council has an obligation to adhere to the rules for public disclosure that lie at the heart of our administrative system.

ALLEGATIONS OF ILLEGAL AND UNETHICAL CONDUCT

The failure to reply fully and candidly to the Subcommittee's questions is particularly troubling in light of the serious allegations of illegal and unethical conduct that have been raised regarding the activities of the Competitiveness Council.

At a hearing of the Health and the Environment Subcommittee on December 10, 1991, experts on legal ethics commented on

several instances of unethical conduct by the Council and its staff. Professor Monroe Freedman of Hofstra University, a former chairman of the Committee on Professional Disciplinary Standards and Procedures of the Federal Bar Association, and Professor Robert Aronson of the University of Washington, who is the chair of the Professional Responsibility Section of the Association of American Law Schools, questioned the activities of Allan Hubbard, the former executive director of the Council, who participated in clean air rulemakings that directly affected an electric utility company in which he held stock and potentially affected a small chemical company which he owned. Hubbard's actions were said to be "clearly subject to criminal prosecution" (Hearings on Clean Air Act Implementation (Part 2), supra, at 349 (testimony of Professor Freedman)) and "an unethical conflict of interest" (id. at 290 (testimony of Professor Aronson)).

At the same hearing, other legal experts challenge the legality of the secret meetings held by Council staff and representatives of regulated industries. Professor Cass Sunstein of the University of Chicago, who drafted Executive Order 12291 for the Reagan Justice Department, testified that "if the Council is influencing rules on the basis of substantive presentations that are not disclosed to courts or the public, it is probably violating the Administrative Procedures Act, the Clean Air Act, and the executive branch's own public commitments" (id. at 300). Likewise, Professor Robert Percival of the University of Maryland, testified that "the activities of the Competitiveness Council represent an unprecedented intrusion into agency decisionmaking that threatens to undermine principles of separation of powers and the open model of regulatory decisionmaking embodied in the Administrative Procedures Act" (id. at 329).

Professor Freedman characterized your own role in the decision to kill an EPA proposal to recycle newspapers as "the common alley cat breed of conflict of interest," because of your personal holdings in newspaper companies and a virgin paper mill (id. at 332). Professor Aronson agreed (id.).

These allegations are serious and substantial. They demand full investigation by this Subcommittee as part of its responsibility to insure that duly appropriated funds are properly expended. Unfortunately, you have failed to respond in a manner that permits the Subcommittee to conduct this vital investigation.

PARTICULAR QUESTIONS ABOUT PARTICULAR REGULATIONS

While not answering my original questions, the Council did indicate a willingness to provide additional information in response to "particular questions about particular regulations." At this time I am able to identify a "particular" interest in the following four types of regulations: (1) the regulations reviewed by the Council under the Clean Air Act; (2) the regulations reviewed by the Council under the Clean Water Act; (3) the regulations reviewed by the Council under the Occupational Health and Safety Act; and (4) the draft policy reviewed by the Council involving the Secretary of Energy's proposed National Energy Policy.

In addition, I request again that you fully answer my inquiries regarding (1) contacts with outside parties, (2) descriptions of council positions and their regulatory influence, and (3) disclosure of written communications between the Council and rulemaking agencies for each of the regulations identified in the preceding paragraph. I would also like full answers to my questions regarding (1) listing of regulations reviewed by the Council and (2) exclusion of rulemaking agencies from Council meetings. I would also appreciate a response to the points I have raised regarding the rulemaking role of the Council.

The Supreme Court has recognized:

The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws * * *. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste. *Watkins* v. *United States*, 354 U.S. 178, 187 (1957) (emphasis added).

The matters raised in this letter are of utmost importance to the integrity of the regulatory process. I would greatly appreciate more candid and thorough responses to the questions I have raised. Please respond no later than June 22, 1992.

Thank you in advance for your attention to this request.

Sincerely yours,

DAVID E. SKAGGS.

OFFICE OF THE VICE PRESIDENT,
Washington, DC, August 3, 1992.

Hon. DAVID E. SKAGGS,
Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SKAGGS: This responds to your letters to the Vice President concerning the President's Council on Competitiveness and questions you have raised about information we provided to you in earlier inquiries. We have attempted to respond to your questions according to the categories of issues you have identified as needing additional explanation.

COMPLETE LIST OF REGULATORY PROPOSALS REVIEWED

In connection with your criticism that we did not furnish a "complete list" of all regulations in which the Council has been involved, you have cited an article in The Washington Post and rely upon the newspaper as authority for your proposition that Council staff has influenced the outcome of certain regulations without leaving "fingerprints" on the regulatory process. According to the newspaper, interventions by staff are limited to about 50 cases a year. Thus, the article also serves as the basis for your view that providing a complete list of regulations in which the Council or its staff had "significant involvement" should not be that difficult. The same argument is applied to disclosure of what positions were advocated by the Council or its staff during each regulatory review and how these positions influenced the final regulation.

Although the cited article did contain a conclusion containing the number of "interventions" you have referenced, the Vice President also declined to provide a specific number. Under the circumstances, it seems unproductive to engage in debates over propositions advanced by the media about the frequency and degree of Council involvement in agency regulation-formulation. Moreover, the full list of regulations that were reviewed pursuant to Executive Order 12291 and coordinated by the Council can be obtained from the Office of Management and Budget docket.

In any case, we hope our offer to provide additional information in response to your particular questions about particular regulations is a reasonable accommodation to your interest in Council activities.

In an additional attempt to be responsive to your request, we are enclosing a letter that was sent to Chairman Conyers of the Committee on Government Operations identifying some of the regulatory issues in which the Council participated. We are also furnishing you a letter from the Office of White House Counsel to Chairman Waxman of the House Committee on Energy and Commerce. That letter addresses certain conflict of interest allegations concerning Council activities of Allan B. Hubbard, former Executive Director.

COMMUNICATIONS WITH OUTSIDE PARTIES

You again request details of communications that the Council had with outside parties on regulatory matters and ask for copies of all written communications received from these parties. You maintain that it is not Administration policy to treat communications from interested parties as confidential; that this is so because Executive Order 12291 specifically provides that such written materials will be made available for review by the public. You point out, as well, that when EPA rules are involved, even oral communications concerning rules are available for review when made by persons who are not Federal employees. Finally, you have cited two Federal district court decisions from the District of Columbia for the proposition that there is no "pre-decisional" or "deliberative" process exception to disclosure requirements for communications with interested third parties when members of the public seek these documents.[1]

It is correct that communications from outside parties concerning rulemakings are made available to the public as part of the Office of Information and Regulatory Affairs (OIRA) review policy under Executive Order 12291. However, that policy applies to OIRA review and not the Office of the Vice President or the Council. In any event, the Council's activities in the regulatory arena are fully consistent with those provisions. As we emphasized in our earlier response, the Council itself does not engage in rulemaking as part of its participation in the regulatory process. Instead, it assists in the coordination of the Administration's review of regulations being promulgated by Executive Branch agencies and departments. As required by statute, agencies and departments remain responsible for making their decisions based upon the record that is developed. Whether the rules pertain to EPA or another agency, Council staff assist the agencies to ensure that the rules issued are based on information placed in the rulemaking docket and not based on information presented only to the Council staff or its members.

The process of Council participation in agency rulemaking was recently examined by the D.C. Circuit of the U.S. Court of Appeals in State of New York and State of Florida versus EPA, et al. (July 14, 1992). The plaintiffs had claimed that EPA acted improperly in relying on the opinion of the Council rather than exercising its own expertise. The court held, however, that the Council's role was appropriate and clearly rejected the plaintiffs' contentions that Council involvement somehow tainted the rulemaking process: "(t)he fact that EPA reevaluated its conclusions in light of the Council's advice * * * does not mean that EPA failed to exercise its own expertise in promulgating the final rule."

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[1] *NAACP Legal Defense Fund* v. *U.S. Dep't of Justice*, 612 F. Supp. 1143 (D.D.C. 1985); *Center for Auto Safety* v. *Dep't of Justice*, 576 F. Supp. 739 (D.D.C. 1983).

You have stated that there is no "predecisional" or "deliberative" process exception to disclosure requirements concerning government communications with outside parties when members of the public seek these documents. However, the issue here in Congressional access to Executive Branch information, not access by the public to that information under the FOIA. Also, our initial response indicated Executive Branch confidentiality interests that are protected by separation of powers principles, not the FOIA. For these reasons, we believe the FOIA is irrelevant to this discussion.

Requiring disclosure of all communications received by the Council from outside the government during the regulatory review process would substantially impair the ability of the President and his principal advisors to receive confidential advice from private citizens. Again, this does not mean that we would not respond to any particular questions you have concerning the Council's role in coordinating specified regulations.

DISCLOSURE OF WRITTEN COMMUNICATIONS FROM THE COUNCIL

You have repeated your request for a copy of all written communications between the Council or its staff and rulemaking agencies on regulatory matters. You have again contended that these records cannot be withheld even if they are pre-decisional and deliberative in character. You note that the FOIA specifically provides that the deliberative process privilege applicable when a citizen seeks agency records is not authority to withhold information from Congress. However, no exemption under the FOIA is invoked as authority to deny records you have requested so a discussion of FOIA case law serves no useful purpose.

Citing provisions of the Clean Air Act does not strengthen the argument that Council records of communications must be placed in the public docket in the course of rulemaking. Although the Clean Air Act, as amended, provides by section 307(d)(4)(B)(ii) and EPA policy that agency comments be placed in the public docket, EPA does not consider various White House components and entities "agencies" for purposes of that section. As we have noted previously, whatever policy may be followed by OIRA does not necessarily extend to White House components or bind those components as Administration policy.

Requiring disclosure of all written communications by the Council or its staff would severely encroach upon the President's constitutional authority to protect the confidentiality of Executive Branch deliberations. A unanimous Supreme Court in *United States* v. *Nixon*, 418 U.S. 683, 708 (1974) found that the deliberative process privilege is "fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution." The Court recognized that "[a] President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately." *Ibid.*

EXCLUSION OF THE RULEMAKING AGENCY FROM COUNCIL MEETINGS WITH INTERESTED PARTIES

You have noted that EPA officials have testified that "no EPA air official had ever been invited to a meeting between Council staff and a regulated industry." That observation is not true; moreover, it is irrelevant because there is no legal requirement that agencies or particular agency employees be invited to meetings between outside parties and the Council.

INCLUSION OF COUNCIL COMMUNICATIONS IN THE DOCKET

You have pointed to an "op-ed" piece in The Washington Post by the Vice President describing Council involvement in coordination of regulations. In your view, this points out a "basic logical inconsistency" in the Council's position that it need not comply with disclosure requirements under E.O. 12291. There is no logical inconsistency between Council participation in the process as coordinator of Administration policy and not applying Administrative Procedures Act requirements applicable to communications between "agencies" and outside parties to that participation. The Council is not an "agency" and, therefore, the APA and E.O. 12291 procedures are not applicable.

ALLEGATIONS OF ILLEGAL AND UNETHICAL CONDUCT

Your letter indicates particular concern about non-responsiveness in light of what you have characterized as "serious allegations of illegal and unethical conduct" that have been raised about Mr. Hubbard and staff of the Competitiveness Council. The foundation for these allegations is apparently testimony by certain persons before your subcommittee.

Those who testified before the subcommittee—not one of which could claim experience with Federal ethics statutes—were able to postulate violations of criminal law without having conducted any inquiry concerning the underlying facts giving rise to the alleged violations. Simply put, they were building theoretical cases based on hypothetical facts. Moreover, these witnesses had no authority to conclude that a criminal law may have been violated.

The U.S. Office of Government Ethics (OGE), the very agency with authority to provide guidance on Executive Branch ethics laws, concluded that the Office had not investigated Mr. Hubbard's activities nor asked anyone else to do so, either before or after the issuance of his waiver, because OGE "had no reason to question his activities before it was issued nor have we seen or heard sufficient information that would lead us to believe that he has engaged in any prohibited activities since its issuance." In reference to comments by one of the witnesses and the allegations concerning Mr. Hubbard, the Director of OGE noted:

Before an individual's reputation is sullied by accusations of criminal conduct, great care should be exercised to ascertain the pertinent facts and apply them to the applicable statute with an understanding of the letter and spirit of the law. Unfortunately, these time-honored principles have been violated in Mr. Hubbard's case.

We are enclosing a copy of OGE's letter containing the above commentary.

PARTICULAR QUESTIONS ABOUT PARTICULAR ALLEGATIONS

We hope this additional explanation of our position is responsive to your request for further information on Council activities. Although you have identified four general sets of regulations or regulatory policy in which you are interested, you have not indicated the questions you want answered concerning the items identified. As in the past, we are prepared to work with you concerning reasonable requests for information involving specific questions on the Administration's position on specific regulations that were coordinated by the Council as part of the rulemaking process.

STAFFING LEVEL OF THE COUNCIL

In a separate letter, you have requested clarification of the staffing level of the Council. Your questions for the record in connection with appropriations requests for the Executive Office of the President included an inquiry regarding how many of the Office of the Vice President's requested 26 FTEs were assigned to the Council and how much we were requesting to fund the FTEs. We responded:

There are no full-time staff dedicated to the Council. Two of the twenty-six FTEs requested by the Office of the Vice President would devote a substantial amount of their duty hours (approximately 70 to 80 percent) to support the Council. The funding is $86,000.

The Council has six members, the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Chief of Staff to the President as an ex officio member. The Vice President is Chairman of the Council.

The Council is currently supported by a staff, headed by an Executive Director, David McIntosh. Mr. McIntosh and another full-time staff member paid from the Executive Office of the President, Office of the Vice President, appropriation devote approximately 70 to 80 percent of their duty hours to Council-related functions.

Four professional staff members who assist the Council by performing functions related to the mission of their agencies are currently assigned full-time from other agencies. Two of the staff members are from the Department of Health and Human Services and provide assistance with health care and biotechnology issues, and another from the Department of Education assists with issues relating to that agency; the fourth staff member is from the Department of Justice and assists with legal, environmental and regulatory matters. The Council also receives secretarial assistance and support services from employees assigned to the Office of the Vice President.

We hope this information is responsive to your questions about Council staff.

Sincerely,

JOHN L. HOWARD,
Counsel to the Vice President.

SUMMARY OF AND COMMENTS ON VICE PRESIDENT'S RESPONSE TO REPRESENTATIVE SKAGGS

On June 8, 1992, Rep. Skaggs wrote to the Vice President requesting more detailed responses to questions about the operation of the Council on Competitiveness than had previously been provided. Mr. Skaggs requested information with respect to eight areas of interest to his subcommittee. On August 3, 1992, the Vice President's Office, through the Counsel to the Vice President John L. Howard, responded by essentially rejecting the validity of each and every request. A summary of and brief commentary on the letter follows.

BLOWOFF 1: REQUEST FOR COMPLETE LIST OF REGULATORY PROPOSALS REVIEWED

Mr. Skaggs asked "for a complete list of regulations in which the Council or its staff have had significant involvement," noting that a Washington Post article had quoted Council staff as saying that "council staff limit the interventions to about 50 cases a year, tending to choose those with major economic impact."

VP Response: "[I]t seems unproductive to engage in debates over propositions advanced by the media about the frequency and degree of Council involvement in agency regulation formulation. Moreover, the full list of regu-

lations that were reviewed pursuant to Executive Order 12291 and coordinated by the Council can be obtained from the Office of Management and Budget docket. In any case, we hope our offer to provide additional information in response to your particular questions about particular regulations is a reasonable accommodation to your interest in Council activities."

Comment: The request for a list of rulemakings in which the Council was "significantly involved" was ignored, apparently because Mr. Skaggs did not identify with particularity a rulemaking he was interested in. However, subsequent responses indicate that "particularity" will not in itself suffice to elicit information.

BLOWOFF 2: COMMUNICATIONS WITH OUTSIDE PARTIES

Mr. Skaggs asked for all written communications to the Council from parties outside the Government, noting that the 1986 Gramm memo imposed on OIRA the obligation to disclose such communications and that FOIA case law has established that the FOIA exemption for "predecisional" or "deliberative process" memos did not cover communications for interested non-governmental persons.

VP Response: The response was four-fold: (a) The disclosure requirements of the Gramm Memo do not apply to the Office of the Vice President or the Council. (b) When the Council is engaged in reviewing proposed agency regulations it is not engaging in rulemaking but is rather "assisting in the coordination of the Administration's review of regulations being promulgated by Executive Branch agencies and departments" and thus is not subject to any administrative or statutory requirements for disclosure that apply to agencies involved in "rulemaking." (c) The July 14, 1992 decision of the Court of Appeals for the District of Columbia Circuit in New York versus Reilly legally ratifies the Council's coordinating and advisory role in the regulatory review process. (d) Under the law, citizens have a greater legal access to nongovernmental communications to agencies under the FOIA than a congressional committee because the separation of powers doctrine imposes greater restrictions on Congressional access to executive branch communications ("[T]he issue here is Congressional access to Executive Branch information, not access by the public to that information under the FOIA. Also, our initial response indicated Executive Branch confidentiality interests are protected by separation of powers principles, not the FOIA.")

Comment: The utilization of New York versus Reilly evidences the true purpose of this letter: to announce that it now has legal authority to challenge any claim that Council interventions in agency decisionmaking are improper, absent any congressional restriction to the contrary. Also, by its other reasons, it is setting up the alternate defense to pending and future court challenges that it is neither an "agency" when it is performing its regulatory review functions nor is it engaged in the rulemaking process when it engages in review activities. This is directly contrary to the holding in Meyers versus Bush, which is now on appeal before the D.C. Circuit, which held that the direct predecessor to the Council, Bush's Commission on Regulatory Relief, was an "agency" subject to the FOIA.

BLOWOFF 3: WRITTEN COMMUNICATIONS FROM THE COUNCIL

Mr. Skaggs asked for copies of communications between the Council and its staff and agencies whose rules were under review, noting that existing case law makes it clear that FOIA-like exemptions are not applicable to Congressional requests for access to agency information because it has "a special right of access to privileged information not shared by others," quoting from Murphy versus Dept. of the Army in FOIA case, and that statutory provisions, such as that in the Clean Air Act, require disclosure of all written communications during a rulemaking proceeding.

VP Response: (a) Since the Council has not invoked any FOIA exemption "a discussion of FOIA case law serves no useful purpose." (b) The Clean Air Act disclosure requirements don't apply to the Council because it is not on "agency." (c) The OIRA disclosure policy under the Gramm Memo is not applicable to the Council; (d) The Supreme Court's decision in U.S. versus Nixon cloaks such communications as a matter of executive privilege.

Comment: (a), (b) and (c) are simply evasions of the issue raised and have been addressed previously. U.S. versus Nixon, of course, is not authority for such a withholding. The Court there specifically rejected any claim of presidential executive privilege that "depends solely on the broad, undifferentiated claim of public interest in the confidentiality of such conversations . . . Absent a claim of need to protect military, diplomatic or sensitive national security secrets, we find it difficult to accept the argument that even the very important interest in confidentiality of Presidential communications is diminished by production of such materials." U.S. versus Nixon, 418 U.S. 683, 706 (1974). Moreover, the court made it clear that only communications by the President himself to his closest advisors would be covered by the constitutional privilege.

BLOWOFF 4: EXCLUSION OF THE RULEMAKING AGENCY FROM COUNCIL MEETINGS WITH INTERESTED PARTIES

Mr. Skaggs asked whether the Council invites agencies to meetings with outside parties regarding rulemaking proceedings that are being conducted by the particular agency, as is required by the Gramm Memo.

VP Response: There is no legal requirement applicable to the Council to invite agencies to any of its meetings with outside interested parties.

Comment: Again, the Council divorces itself from even the minimal openness requirements that OIRA has imposed on itself.

BLOWOFF 5: INCLUSION OF COUNCIL COMMUNICATIONS IN THE DOCKET

Mr. Skaggs asked whether communications from outside parties to the Council that contain factual matter, and Council policy comments on regulations under Council review are placed in agency rulemaking dockets.

VP Response: The Council is not an "agency" and therefore does not have to comply with disclosure requirements of E.O. 12291 or the Administrative Procedure Act.

Comment: The "non-agency" status of the Council has obviously become a critical aspect of the Council's defensive posture which can only be trumped by legislation specifically defining it as an "agency" when it engages in regulatory review activities.

BLOWOFF 6: ALLEGATIONS OF ILLEGAL AND UNETHICAL CONDUCT

Mr. Skaggs asked for substantive comment on testimony by witnesses before an Appropriations Subcommittee alleging that actions by former Council Executive Director Allan Hubbard violated conflict of interests rules, and that secret meetings held by the Council staff and representatives of regulated industries violates "the Administrative Procedure Act, the Clean Air Act, and the Executive Branch's own commitments."

VP Response: The U.S. Office of Government Ethics, (OGE) cleared Mr. Hubbard of any wrongdoing.

Comment: OGE did not actually rule on the propriety of Mr. Hubbard's conduct; it said that it never investigated the issue because it never had been presented with "sufficient information" to engage in such an investigation. The response does not address the question of the legality of secret meetings at all.

BLOWOFF 7: PARTICULAR QUESTIONS ABOUT PARTICULAR ALLEGATIONS

Mr. Skaggs identified a "particular" interest in four types of regulations that the council had been specially involved with, i.e., Clean Air Act, Clean Water Act, and Occupational Safety and Health Act, and the draft policy reviewed by the Council involving the Secretary of Energy's National Energy Policy, and requested that the Vice President detail "(1) contacts with outside parties, (2) descriptions of Council positions and their regulatory influence, and (3) disclosure of written communications between the Council and rulemaking agencies for each of the regulations identified."

VP Response: The question posed was not particular enough: "Although you have identified four general sets of regulations or regulatory policy in which you are interested, you have not indicated the questions you want answered concerning the items identified."

Comment: There is apparently no degree of particularity or specificity that will meet the threshold for Council response.

BLOWOFF 8: STAFFING LEVEL OF THE COUNCIL

Mr. Skaggs asked for identification of full time staff on the Vice President's staff who are devoted to council regulatory review functions.

VP Response: Only the Executive Director, David McIntosh, and one other full-time staffer devote time to regulatory review activities, and then only 70-80% of their time is so devoted. Also, four other professional staff members were identified as having been "assigned" from other agencies.

Comment: The $86,000 in salaries for the time devoted to Council work was the subject of recent House defunding action. It may be noted that "assignees" from other agencies to the Vice President's Office are paid fully by the assigning agency, as opposed to detailees who are paid, through reimbursements, by the agency to whom the people are detailed. In the most recent year for which statistics are available, FY 1988, the Vice President's Office had 8 detailees and 37 assignees. The question may be raised how many detailees and assignees are currently on board, and whether in fact only 4 assignees do Council work.

NEEDED REFORM IN THE SPORT OF BOXING

(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 today's 1-minute speeches we have heard Members address several of the critical issues of our day. Among them:

hometowns, the deficit, our environment, and this year's elections.

Mr. Speaker, before the memories of the 1992 Summer Olympics fade entirely from our memories, I am going to invite the attention of my colleagues to one area of athletic competition that needs to be addressed and reformed, and that is boxing; not amateur boxing, but professional boxing, whose oversight and demeanor bear little resemblance to the competition we witnessed in Barcelona, Spain during last month.

Several Members of this body, among them the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from North Dakota [Mr. DORGAN], and the gentleman from Montana [Mr. WILLIAMS], previously have offered legislation to overhaul the way the fighting game is run. As I speak, in the other body today a hearing is taking place that could hopefully help bring some changes that are needed.

Later today, several of us in the House will be introducing legislation intended to restore a measure of pride and dignity to a sport that has retained interest and intrigued many of us since our childhood. We seek to establish a Federal Boxing Commission within the Department of Labor.

We would give this boxing commission the authority to establish standards in boxing dealing with compensation, working conditions, safety of boxing equipment and facilities, health care, training of officials, and the ranking of boxers by weight class.

In doing so, I hope we are also taking the first step to protect not just the interest of those who call ourselves fight fans but, more importantly, the interest of those who earn their living and who too often needlessly risk their lives and limbs in the ring today.

Mr. Speaker, during today's 1 minute speeches, we have heard Members address several of the critical issues of our day: the deficit, our environment, this year's elections, and others.

Before the memories of the 1992 summer games fade away, I want to invite the attention of my colleagues to one area of athletic competition that needs to be addressed and reformed: boxing. Not amateur boxing, but professional boxing, whose oversight and demeanor bears little resemblance to the competition we witnessed in the ring in Barcelona.

Several Members of this body—Representative BILL RICHARDSON, Representative BYRON DORGAN, and Representative PAT WILLIAMS among them—previously have authored legislation to overhaul the fight game.

As I speak, in the other body, a hearing is taking place to hear of changes that could and, perhaps, should be made in the sport of professional boxing. Today, several of the House Members, whose names I just mentioned, join me in introducing legislation intended to restore a measure of the pride and dignity to a sport which has interested, intrigued, and entertained many of us since our childhood.

We seek to establish a Federal Boxing Commission within the Department of Labor. We would give it the authority to establish uniform standards in boxing dealing with compensation, working conditions, safety of boxing equipment and facilities, health care, training of officials, and this pairing of boxers by weight class.

In doing so, I hope we also are taking the first steps to protect, not just the interests of those of us who call ourselves fight fans, but, more importantly, the interest of those who earn their livelihood and too often needlessly risk their lives and limbs in the ring today.

Mr. Speaker, today I am introducing the Federal Boxer Protection Act of 1992.

While I have been a boxing fan for much of my life, I first became interested in introducing legislation after the nationally televised International Boxing Federation middleweight title Tiberi-Toney fight on February 8, 1992, created a firestorm of protest among fight fans in Delaware and across the Nation.

I have come to believe that this legislation is necessary for a number of reasons.

As we saw in the Toney-Tiberi fight, the qualifications of the judges must be assured.

This legislation provides the Commission with the authority to enact regulations on the training of judges and referees, as well as on the promotion and conduct of boxing matches.

Currently, State regulations vary from State to State, and the enforcement of those standards widely differ. If State regulations in one State become too stringent, boxing promoters may simply move the matches to another State. Even if boxing regulations are strict in one State, enforcement of those regulations is another matter. We saw in the Tiberi-Toney fight how two of the three judges involved were not in compliance with New Jersey State law, because they were not even licensed to judge fights in the State of New Jersey.

This legislation requires the Commission to establish one uniform set of regulations governing the sport, as well as to provide the Commission with the proper authority to enforce those regulations. Should a match not conform with the Commission's regulations, the Commission will have the authority to prohibit the match from taking place.

We also know that mismatches in professional boxing do occur. Why? In part because promoters, seeking to improve the rating of their boxers, set up some fights that their boxer can easily win. To make the mismatch appear less obvious, a hopelessly mismatched boxer's records are beefed up in order to overstate his abilities. Unfortunately, this practice may result in serious injuries to the less skilled fighter and in the case of Korean boxer, Deuk-Koo Kim, it led to death from a mismatch against the World Boxing Association's No. 1 ranked fighter, Ray Mancini, in 1983. Incidentally, records indicate that Kim was not even ranked among Korea's top 40 fighters at the time. This legislation will require all boxing matches and boxers to be registered with the Commission, and the Commission will maintain the records of boxers so that the incidence of mismatches will be reduced.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HYDE (at the request of Mr. MICHEL) for today and tomorrow, on account of attending platform committee meetings at the Republican National Convention.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mrs. BENTLEY to revise and extend their remarks and include extraneous material:)

Mr. MACHTLEY, for 5 minutes each day, on August 11 and 12.

Mr. GOSS, for 5 minutes, on August 12.

Mr. WOLF, for 5 minutes, on August 12.

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. KOLBE.
Mr. OXLEY.
Mr. GOODLING.
Mr. ROTH.
Mr. MYERS of Indiana.
Mr. FRANKS of Connecticut.
Mr. GUNDERSON.
Mr. HENRY in two instances.
Mrs. MORELLA.
Mr. HOBSON.
Mr. GREEN of New York.
Ms. ROS-LEHTINEN.
Mr. GILMAN.

(The following Members (at the request of Mr. ENGEL) and to include extraneous matter:)

Mr. WAXMAN.
Mr. NOWAK.
Ms. SLAUGHTER in two instances.
Mr. LANTOS in two instances.
Ms. DELAURO.
Mr. SWETT in two instances.
Mr. SOLARZ.
Mr. DARDEN.
Mr. ECKART.
Mr. JACOBS.
Mr. PICKETT.
Mr. FOGLIETTA in three instances.
Mr. FORD of Michigan.
Mr. KANJORSKI.
Mr. YATRON.
Ms. OAKAR in two instances.
Mr. RICHARDSON.
Ms. KENNELLY.
Mr. ROEMER in two instances.
Mr. TOWNS.
Mr. MANTON.

Mr. MURTHA.
Mr. RAHALL.
Mr. DURBIN.
Mr. MCCLOSKEY.
Mr. JONTZ.
Mr. EDWARDS of California.
Mr. MINETA.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2926. An act to amend the Act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the Memorial, and for other purposes;

H.R. 2977. An act to authorize appropriations for public broadcasting, and for other purposes; and

H.R. 3795. An act to amend title 28, United States Code, to establish three divisions in the Central Judicial District of California.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1770. An act to convey certain surplus real property located in the Black Hills National Forest to the Black Hills Workshop and Training Center, and for other purposes; and

S. 2079. An act to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes.

ADJOURNMENT

Mr. HOYER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Wednesday, August 12, 1992, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4086. A letter from the Secretary of Education, transmitting a list of colleges and universities that, although not satisfying the criterion contained in section 312(b)(1)(B), have been determined to be eligible institutions under part A and part C, and are institutions that enroll significant numbers of black American, Hispanic, native American, Asian-American, or native Hawaiian students, pursuant to section 352(b)(2) of the Higher Education Act of 1965; to the Committee on Education and Labor.

4087. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92-36 relating to assistance to Burma and a justification for the determination, pursuant to 22 U.S.C. 2601(c)(1); to the Committee on Foreign Affairs.

4088. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 249, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4089. A letter from the Administrator, Federal Aviation Administration, transmitting the administration's report resulting from the study on the security of mail and cargo; pursuant to Public Law 101-604, section 112(d) (104 Stat. 3081); to the Committee on Public Works and Transportation.

4090. A letter from the Secretary of Energy, transmitting a copy of a project entitled, "Commercial-Scale Demonstration of the Liquid Phase Methanol [LPMEOH] Process," proposed by Air Products and Chemicals, Inc.; jointly, to the Committees on Appropriations, Interior and Insular Affairs, and Science, Space, and Technology.

4091. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to implement the Protocol on Environmental Protection to the Antarctic Treaty, with annexes, done at Madrid, October 4, 1991, and an additional annex done at Bonn, October 17, 1991, enact a prohibition against Antarctic mineral resource activities, amend the Antarctic Conservation Act of 1978, and repeal the Antarctic Protection Act of 1990; jointly, to the Committees on Merchant Marine and Fisheries, Science, Space, and Technology, Interior and Insular Affairs, and 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. BROOKS: Committee on the Judiciary. House Joint Resolution 454. Joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy; with an amendment (Rept. 102-625, Pt. 2). Ordered to be printed.

Mr. JONES of North Carolina: Committee on the Merchant Marine and Fisheries. H.R. 4615. A bill to contribute to the conservation of the northern spotted owl and the protection of old growth resources through support for an experimental management program on State-owned trust lands on the western Olympic Peninsula of the State of Washington; with an amendment (Rept. 102-834, Pt. 1). Ordered to be printed.

Mr. JONES of North Carolina: Committee on the Judiciary. H.R. 5257. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels; with an amendment (Rept. 102-835). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4412. A bill to amend title 17, United States Code, relating to fair use of copyrighted works; with an amendment (Rept. 102-836). Referred to the Committee of the House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4563. A bill to amend the False Claims Act to provide certain limitations on Federal employees filing qui tam actions, and for other purposes; with an amendment (Rept. 102-837). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 551. Resolution providing for the consideration of the bill (H.R. 4323) to improve education for all students by restructuring the education system in the States (Rept. 102-838). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3865. A bill to amend the Solid Waste Disposal Act to authorize appropriations for fiscal years 1993 through 1998, and for other purposes; with an amendment (Rept. 102-839). Referred to the Committee of the Whole House on the State of the Union.

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. DYMALLY:

H.R. 5811. A bill to create a Supreme Court for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROWN:

H.R. 5812. A bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing health insurance purchasing cooperatives, through which small employers may purchase health insurance, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, and the Judiciary.

By Mr. CARPER (for himself, Mr. DORGAN of North Dakota, and Mr. RICHARDSON):

H.R. 5813. A bill to establish, in the Department of Labor, a Federal boxing commission, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. DELLUMS (for himself and Mr. STARK):

H.R. 5814. A bill to amend the charter of the Group Hospitalization and Medical Services, Inc., to remove the partial exemption granted to the corporation from the insurance laws and regulations of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DURBIN (for himself, Mr. HANSEN, and Mr. MAZZOLI):

H.R. 5815. A bill to protect children from exposure to environmental tobacco smoke in the provisions of children's services; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Texas:

H.R. 5816. A bill to authorize the Secretary of Veterans Affairs to remove any restrictions and conditions on land conveyed by the Veterans Administration to Temple Junior College, Temple, TX; to the Committee on Veterans' Affairs.

By Mr. HOLLOWAY:

H.R. 5817. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus drivers shall be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. JONTZ:

H.R. 5818. A bill to amend the Federal Water Pollution Control Act to provide assistance to States for the purpose of restoring the water quality and biological integrity of small lakes, and for other purposes; to the Committee on Public Works and Transportation.

By Ms. KAPTUR:

H.R. 5819. A bill to limit the amount of donations that the Library of Congress may ac-

cept from a foreign government; to the Committee on House Administration.

By Mrs. KENNELLY:

H.R. 5820. A bill to increase the number of weeks for which emergency unemployment compensation is payable; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. McMILLEN of Maryland:

H.R. 5821. A bill to prohibit the transportation of oil and gas extracted from the Taylorsville Basin, MD, through the use of Federal transportation facilities; jointly, to the Committees on Public Works and Transportation, Energy and Commerce, and Merchant Marine and Fisheries.

By Mr. MOORHEAD (for himself and Mr. ROYBAL):

H.R. 5822. A bill to designate the U.S. Court of Appeals Building located at 125 South Grand Avenue in Pasadena, CA, as the "Richard H. Chambers United States Court of Appeals Building"; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 5823. A bill to amend the provisions of chapter 83 and 84 of title 5, United States Code, which relate to the deposit required in the case of an election to provide a survivor annuity to a spouse by a postretirement marriage or a former spouse; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York:

H.R. 5824. A bill to amend title 44, United States Code, to promote improved public dissemination of Government information; to the Committee on Government Operations.

By Mr. RICHARDSON:

H.R. 5825. A bill to amend title XVIII of the Social Security Act to clarify coverage of certified nurse-midwife services performed outside the maternity cycle under the Medicare and Medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RIGGS:

H.R. 5826. A bill to better protect and manage certain redwood forests by adding land to the Six Rivers National Forest and by designating the Headwaters Forest Wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SKAGGS:

H.R. 5827. A bill to amend the act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. TAUZIN (for himself, Mr. LENT, Mr. HALL of Texas, and Mr. RITTER):

H.R. 5828. A bill to amend the Securities Exchange Act of 1934 in order to reform private enforcement of the Federal securities laws, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAUZIN (for himself, Mr. YOUNG of Alaska, Mr. LENT, Mrs. BENTLEY, Mr. COBLE, Mr. ERDREICH, Mr. THOMAS of Georgia, Mr. JONES of North Carolina, Mr. JENKINS, Mr. HERGER, Mr. GOSS, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. COUGHLIN, Mr. DELAY, Mr. SAXTON, Mr. OXLEY, Mr. ALEXANDER, Mr. WHEAT, Mr. LEWIS of Florida, Mr. SCHULZE, Mr. LIGHTFOOT, Mr. RITTER, Mr. RAVENEL, Mr. HANCOCK, Mr. CRANE, Mr. STUMP, Mr. ROWLAND, Mr. CONDIT, Mr. SHUSTER, Mr. GEKAS, Mr. MONTGOMERY, Mr. DARDEN, Mr. HUBBARD, Mr. CALLAHAN, Mr. HEFNER, Mr. HUCKABY, Mr. WEBER, Mr. McCOLLUM, Mr. GIBBONS, Mr. DAVIS, and RAY):

H.R. 5829. A bill to establish the National Dividend Plan by reforming the budget process, and by amending the Internal Revenue Code of 1986 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; jointly, to the Committees on Ways and Means and Rules.

By Mr. McDERMOTT (for himself and Mr. HOUGHTON):

H.J. Res. 538. Joint resolution designating December 1, 1992, as "World AIDS Day"; to the Committee on Post Office and Civil Services.

By Mr. PETERSON of Minnesota:

H.J. Res. 539. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive years a person may serve in or be employed by the Government of the United States or be employed to affect the policies and programs of the Government of the United States; to the Committee on the Judiciary.

By Mr. RAHALL:

H.J. Res. 540. Joint resolution designating November 22, 1992, through November 28, 1992, as "America's Christian Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H. Con. Res. 356. Concurrent resolution concerning the establishment of a United States-China Human Rights Commission; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. FASCELL, and Mr. SOLARZ):

H. Con. Res. 357. Concurrent resolution expressing the sense of the Congress with respect to violations of internationally recognized human rights by the Government of Iraq; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Con. Res. 358. Concurrent resolution expressing the sense of the Congress that the parties to the Middle East peace process should continue to work vigorously in the pursuit of a regional peace plan; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 549. Resolution electing Representative MFUME of Maryland to the Committee on Standards of Official Conduct; considered and agreed to.

H. Res. 550. Resolution adjusting the ranking of majority party members of the Committee on Foreign Affairs; considered and agreed to.

By Mr. OBERSTAR:

H. Res. 552. Resolution relating to authorization of multilateral action in Bosnia-Hercegovina under article 42 of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. PETERSON of Minnesota:

H. Res. 553. Resolution providing for reform of the House of Representatives; jointly, to the Committees on Rules and House Administration.

By Mr. HOYER (for himself, Mr. GEPHARDT, Mr. FASCELL, Mr. HAMILTON, Mr. BROOMFIELD, Mr. GILMAN, Mr. RITTER, Mr. BEREUTER, Mr. BERMAN, Mrs. BOXER, Mr. CARDIN, Mr. ECKART, Mr. FAZIO, Mr. FEIGHAN, Mr. GALLEGLY, Mr. GOODLING, Mr. GOSS, Mr. JOHNSTON of Florida, Mr. LAGOMARSINO, Mr. LEACH, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. NAGLE, Mr. McCLOSKEY, Mr. MILLER of Washington, Mr. ORTON, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. SAWYER, Mr. SMITH of New Jersey, Mr. STUDDS, Mr. WEISS, Mr. WOLF, Mr. WOLPE, Mr. WYLIE, and Mr. YATRON):

H. Res. 554. Resolution concerning the situation in Bosnia-Hercegovina; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII:

514. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to the creation of a North American Development Bank and Adjustment Fund; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. RINALDO.
H.R. 125: Mr. VOLKMER.
H.R. 127: Mr. CLINGER.
H.R. 258: Mr. JEFFERSON and Mr. RINALDO.
H.R. 501: Ms. KAPTUR.
H.R. 629: Mr. FRANKS of Connecticut.
H.R. 755: Mr. LANCASTER and Mr. HERTEL.
H.R. 875: Mr. SWETT.
H.R. 895: Mr. JOHNSON of South Dakota.
H.R. 1495: Mr. HUTTO.
H.R. 1633: Mr. MORRISON.
H.R. 2070: Mr. YOUNG of Florida.
H.R. 2071: Mr. BERMAN.
H.R. 2248: Mr. GEPHARDT.
H.R. 2641: Mr. LIVINGSTON.
H.R. 2750: Mr. ANNUNZIO, Mr. FAZIO, Mr. BROWN, and Mr. MORAN.
H.R. 2766: Mr. CLINGER.
H.R. 2880: Mr. RANGEL.
H.R. 3164: Mr. HOLLOWAY and Mr. RINALDO.
H.R. 3195: Mr. WELDON, Mr. HUGHES, Mr. RAVENEL, and Mr. HOCHBRUECKNER.
H.R. 3763: Mr. MINETA.
H.R. 3806: Mr. PETRI, Mr. THOMAS of Georgia, Mr. WALSH, Mr. WEBER, Mr. FISH, and Mr. ACKERMAN.
H.R. 3843: Mr. DARDEN.
H.R. 3918: Mr. RAHALL, Mr. PETRI, and Mr. BONIOR.
H.R. 3939: Mr. MATSUI and Mr. RICHARDSON.
H.R. 4045: Mr. FEIGHAN, Mr. DIXON, Mr. RICHARDSON, and Mr. BRUCE.
H.R. 4144: Mr. KOPETSKI.
H.R. 4543: Mr. FROST and Mr. STENHOLM.
H.R. 4551: Mr. WILLIAMS, Mr. LEHMAN of Florida, and Mr. WASHINGTON.
H.R. 4591: Mr. HAYES of Illinois.
H.R. 4750: Mr. RICHARDSON.
H.R. 4899: Mr. YATES and Mr. ZIMMER.
H.R. 5035: Mr. KOPETSKI, Mr. DORGAN of North Dakota, Mr. BRYANT, Mr. OLIN, Mr. ZELIFF, Mr. ESPY, Mr. LANCASTER, Mr. ATKINS, Mr. SKAGGS, Ms. KAPTUR, and Mr. MORAN.
H.R. 5110: Mr. RAVENEL.
H.R. 5123: Mr. EVANS.
H.R. 5208: Mr. DYMALLY.
H.R. 5223: Mr. MOLLOHAN.
H.R. 5240: Mr. SOLARZ and Mr. CAMPBELL of California.
H.R. 5250: Mr. WOLF and Mr. CALLAHAN.
H.R. 5276: Mr. JACOBS, Mrs. PATTERSON, Mr. DERRICK, Mr. HANSEN, Mr. HARRIS, Mr. DICKINSON, Mrs. VUCANOVICH, Mr. INHOFE, Mrs. MEYERS of Kansas, Mr. BURTON of Indiana, Mr. HUTTO, and Mr. ALLARD.
H.R. 5357: Mr. ACKERMAN and Mr. LANCASTER.

H.R. 5398: Mr. LEHMAN of California.

H.R. 5434: Mr. SCHEUER and Mr. CARDIN.

H.R. 5443: Mr. BALLENGER, Mr. STENHOLM, and Mr. BOEHNER.

H.R. 5530: Mr. HUGHES.

H.R. 5567: Mr. DUNCAN, Mr. MILLER of Ohio, Mr. TAUZIN, Mr. LIGHTFOOT, Mr. GINGRICH, Mr. GOSS, Mr. PORTER, Mr. HYDE, Mr. COX of California, Mr. CLINGER, and Mr. LEWIS of Florida.

H.R. 5570: Mr. GEREN of Texas, Mr. LANCASTER, Mr. UPTON, and Mr. HUGHES.

H.R. 5676: Mr. SWIFT.

H.R. 5680: Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. SHAYS, Mr. RANGEL, Mr. SWIFT, and Mr. YATES.

H.R. 5681: Mr. HUGHES, Mrs. UNSOELD, Mr. WEISS, and Mr. EVANS.

H.R. 5720: Mr. ERDREICH, Mr. LENT, Mr. LIPINSKI, Mr. WILSON, Mr. MONTGOMERY, Mr. DORNAN of California, and Mr. RITTER.

H.R. 5747: Mr. WEISS, Mrs. COLLINS of Illinois, Ms. NORTON, Mr. EVANS, and Mr. PAYNE of New Jersey.

H.R. 5760: Mr. MCMILLEN of Maryland, Mrs. COLLINS of Illinois, Mr. MONTGOMERY, Mr. BEVILL, Mr. LIPINSKI, Mr. SYNAR, Mr. LANCASTER, and Mr. BALLENGER.

H.J. Res. 353: Mr. BLACKWELL, Ms. DELAURO, Mr. FLAKE, Mr. FOGLIETTA, Mr. GREEN of New York, Mr. HOAGLAND, Mr. LAUGHLIN, and Mr. UPTON.

H.J. Res. 413: Mr. BEREUTER, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CHAPMAN, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN, of Texas, Mr. CONYERS, Mr. COUGHLIN, Mr. COX of California, Mr. CRANE, Mr. DANNEMEYER, Mr. DIXON, Mr. DREIER of California, Mr. GEJDENSON, Mr. GIBBONS, Mr. GONZALEZ, Mr. GOODLING, Mr. HERGER, Mr. INHOFE, Mr. JOHNSON of Texas, Mr. KOPETSKI, Mr. LAGOMARSINO, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. MCGRATH, Mr. MYERS of Indiana, Mr. NEAL of North Carolina, Mr. PAXON, Ms. PELOSI, Mr. PORTER, Mr. RAMSTAD, Mr. RIGGS, Mr. SAWYER, Mr. SHAW, Ms. SLAUGHTER, Mr. STUMP, Mr. THOMAS of California, Mr. TORRES, Mr. TRAFICANT, Ms. WATERS, Mr. WAXMAN, Mr. WYLIE, and Mr. ZELIFF.

H.J. Res. 476: Mrs. COLLINS of Illinois, Mr. ANDREWS of Maine, Mr. DORGAN of North Dakota, Mr. MARTIN, and Mr. YOUNG of Florida.

H.J. Res. 479: Mr. VENTO, Mr. LANCASTER, Mr. DE LA GARZA, Mr. RANGEL, Mr. KOLTER, Mr. SKELTON, Mr. SYNAR, Mr. STEARNS, and Mr. MCNULTY.

H.J. Res. 489: Mr. LANCASTER, Mr. GEJDENSON, Mr. RICHARDSON, Mr. RANGEL, Mr. VALENTINE, Mr. TAYLOR of North Carolina, Mr. SARPALIUS, Mr. SMITH of Florida, Mr. SYNAR, Mr. DERRICK, Mr. HOYER, and Mr. DURBIN.

H.J. Res. 495: Mr. REGULA, Mr. BONIOR, and Mr. BROWN.

H.J. Res. 498: Mr. LIGHTFOOT, Mr. NAGLE, Mr. ENGEL, Mr. KLECZKA, Mr. GUNDERSON, Mr. SISISKY, and Mrs. COLLINS of Michigan.

H.J. Res. 500: Mr. BLILEY, Mrs. BOXER, Mr. CHANDLER, Ms. DELAURO, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. LIGHTFOOT, Mr. MOODY, Mr. SARPALIUS, Mr. SAXTON, Mr. TAUZIN, Mr. VANDER JAGT, and Mr. YOUNG of Florida.

H.J. Res. 523: Mr. RITTER, Mr. MCCLOSKEY, and Mr. DE LA GARZA.

H.J. Res. 532: Mr. YOUNG of Florida, Mr. HENRY, Ms. PELOSI, Mr. REED, Mr. BLACKWELL, Mr. TRAFICANT, Mr. HOCHBRUECKNER, Mr. KOLTER, Mr. SISISKY, Mr. DOOLITTLE, Mr. DELLUMS, Mr. DINGELL, Mr. DORNAN of California, Mr. FEIGHAN, Mr. HAMMERSCHMIDT, Mr. MATSUI, Mr. SABO, Mr. SPENCE, Mr. TRAXLER, Mr. YOUNG of Alaska, and Mr. DONNELLY.

H. Con. Res. 73: Mr. CRANE.

H. Con. Res. 223: Mr. BERMAN, Mr. DINGELL, and Mr. LOWERY of California.

H. Con. Res. 301: Mr. HUGHES, Mr. DREIER of California, Mr. BALLENGER, and Mr. HEFLEY.

H. Con. Res. 340: Mr. ESPY, Mr. GUARINI, Mr. HORTON, Mr. KOLTER, Mr. TALLON, Mr. WALSH, Mrs. JOHNSON of Connecticut, Mr. LAFALCE, Mr. PORTER, Mr. BILIRAKIS, Mr. MCMILLEN of Maryland, Mrs. MORELLA, and Mr. LANCASTER.

H. Con. Res. 345: Mr. SWETT, Mr. KOPETSKI, Mr. KLUG, Mr. LEACH, Mr. GOSS, and Mr. PASTOR.

H. Con. Res. 353: Mr. MACHTLEY, Mr. HOCHBRUECKNER, Mr. KOLTER, Mr. GILMAN, Mr. MAZZOLI, Mr. SCHUMER, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. MCDERMOTT, Mr. OWENS of Utah, Mr. MORAN, Mr. COX of Illinois, Mr. BLACKWELL, Mr. MARKEY, Mr. BACCHUS, Mr. SWETT, Mr. HUGHES, Mr. JEFFERSON, Mrs. SCHROEDER, Mr. PAYNE of New Jersey, Mr. DELLUMS, and Mr. EVANS.

H. Res. 490: Mr. SAWYER.

H. Res. 534: Mr. CARPER, Mr. HORTON, Mr. WYLIE, Mr. BUSTAMANTE, Mr. SKELTON, and Mr. SPENCE.

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. 3515: Mr. DAVIS.

H.R. 4168: Mr. RICHARDSON.

H.R. 4175: Mr. LEWIS of Florida.